

1 SB242  
2 126211-2  
3 By Senators Scofield, Glover, McGill, Dial and Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 22-MAR-11

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To make an appropriation of \$42,112,181 from the  
12 Children First Trust Fund for the fiscal year ending September  
13 30, 2012, to the entities and for the purposes designated in  
14 Section 41-15B-2.2, Code of Alabama 1975; to provide for the  
15 deposit of tobacco settlement revenues into the Children First  
16 Trust Fund; to require written notification of anticipated  
17 agency allocations by the State Director of Finance; to  
18 require quarterly allocations; to condition allocations on  
19 receipt of tobacco revenues; to make an appropriation of  
20 \$45,966,572 from other tobacco settlement funds for the fiscal  
21 year ending September 30, 2012; and to make a conditional  
22 appropriation and allocation of additional tobacco revenues  
23 upon the recommendation of the Director of Finance, the  
24 Chairman of the House Ways and Means General Fund Committee  
25 and the Chairman of the Senate Finance and Taxation-General  
26 Fund Committee, and the approval of the Governor.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) There is hereby appropriated from the  
2 Children First Trust Fund the sum of \$42,112,181 for the fis-  
3 cal year ending September 30, 2012, to the entities and for  
4 the purposes designated in Section 41-15B-2.2, Code of Alabama  
5 1975 as follows, per the approved plan of investment for each  
6 agency:

7           Alcoholic Beverage Control Board	611,353
8           Children's Trust Fund	2,436,340
9           Department of Forensic Sciences	487,269
10          Alabama Department of Human Resources	9,745,362
11          Juvenile Probation Services Fund	5,742,298
12          Alabama Medicaid Agency	1,705,438
13          Alabama Department of Mental Health	2,770,740
14          State Multiple Needs Children's Fund	4,076,550
15          Department of Public Health	4,872,681
16          Department of Rehabilitation Services	243,634
17          Department of Youth Services	9,420,516

18                   (b) (1) All tobacco revenues from the tobacco  
19 settlement received by the state previously designated for the  
20 Children First Trust Fund shall be deposited to the Children  
21 First Trust Fund within 30 calendar days of receipt of those  
22 tobacco revenues.

1                   (2) The Director of Finance shall notify each agency  
2 and the Department of Children's Affairs in writing prior to  
3 September 1, 2011, of the dollar amount of the allocation  
4 expected to be received by the agency from the Children First  
5 Trust Fund in the fiscal year ending September 30, 2012.

6                   (3) At the beginning of each quarter of the fiscal  
7 year ending September 30, 2012, the respective agency shall be  
8 allocated at least one-fourth of the total amount appropriated  
9 and allocated to the agency for that fiscal year when tobacco  
10 revenues are available for the respective agency. In the event  
11 tobacco revenues are not available for the respective agency  
12 until later in the fiscal year then the respective agency  
13 shall be allocated an equal quarterly allotment for the  
14 quarters that funds are available at the beginning of those  
15 quarters. Such allocation shall be made and be available for  
16 expenditure by the agency within five working days of the  
17 commencement of the quarter. If additional sums are  
18 appropriated or allocated, or both, during the fiscal year,  
19 these sums shall be equally allocated to the respective agency  
20 among the remaining quarters of the fiscal year or may be  
21 allocated to the respective agency in one sum if revenues are  
22 available. The Department of Children's Affairs shall be  
23 notified in writing of all appropriations and allocations from  
24 the Children First Trust Fund by the Director of Finance.

25                   (4) Allocations from the Children First Trust Fund  
26 are conditioned upon the receipt of tobacco revenues.

1 (c) Allocations received pursuant to Section 1 shall  
2 be expended in accordance with Section 41-15B-2.2, Code of  
3 Alabama 1975.

4 (d) At the conclusion of the fiscal year, any  
5 remaining sums in the Children First Trust Fund shall remain  
6 in the fund and shall not revert to the General Fund or to any  
7 other fund, except as provided by HB\_\_\_\_\_ or SB 133 of the 2011  
8 Regular Session, if enacted into law.

9 Section 2. In addition to the appropriation herein  
10 above made, there is hereby appropriated from additional to-  
11 bacco settlement funds the sum of \$45,966,572 for the fiscal  
12 year ending September 30, 2012 to the following entities:

13 Department of Children's Affairs	250,000
14 21st Century Debt Service	13,000,000
15 Senior Services Trust Fund	1,392,195
16 Alabama Medicaid Agency	29,236,085
17 Department of Senior Services - Medicaid Waiver	2,088,292

18 Section 3. Any additional tobacco revenues available  
19 for the fiscal year ending September 30, 2012, shall be  
20 conditionally appropriated, conditioned upon the  
21 recommendation of the Director of Finance, the Chairman of the  
22 House Ways and Means General Fund Committee and the Chairman

1 of the Senate Finance and Taxation-General Fund Committee, and  
2 approval of the Governor.

3 Section 4. The Executive Budget Office and the  
4 Director of Finance shall allot funds appropriated from the  
5 Children First Trust Fund only following the certification by  
6 the Commissioner of the Department of Children's Affairs that  
7 a plan of investment has been approved for each agency. The  
8 Commissioner of the Department of Children's Affairs shall  
9 prescribe the form and format on which each agency receiving  
10 appropriated funds herein shall submit a plan of investment of  
11 said appropriated funds. The plan of investment shall include,  
12 but not be limited to, a minimum of four (4) quality assurance  
13 items on which a periodic report, as required by the approved  
14 plan of investment, is made and as audited by the Examiners of  
15 Public Accounts. Quality assurance items shall include the  
16 number of children receiving service, an identifiable measure  
17 of success of services provided and a prioritized standard of  
18 successful measures for future plans of investment. It is the  
19 intent of the Legislature that the Commissioner of the  
20 Department of Children's Affairs shall be responsible for  
21 providing a standard of measurement by which a clear  
22 determination can be made through operational reporting and  
23 audit reporting of a measurable success of funds appropriated  
24 and invested from the Children First Trust Fund; insure funds  
25 appropriated herein are invested in viable programs; insure  
26 and promote the leverage of appropriated funds herein in every  
27 possible manner and coordinated in all possible ways the

1 investment of funds by each service provider to insure that no  
2 unproductive expenditures or duplication occurs. The  
3 Commissioner of the Department of Children's Affairs shall  
4 notify legislators representing the area where a grant from  
5 the Children First Trust Fund is designated. The notification  
6 shall occur ten days before the funds reach the recipient  
7 agency.

8 Section 5. The Commissioner of the Department of  
9 Children's Affairs shall report each approved plan of  
10 investment to the Joint Interim Legislative Oversight  
11 Committee and the Alabama Children's Policy Council. The  
12 Commissioner, upon the request of the service agency, may  
13 approve an adjusted plan of investment. It is the intent of  
14 the Legislature that funds appropriated from the Children  
15 First Trust Fund be directed to meet the most immediate needs  
16 of children as changing conditions may develop.

17 Section 6. Should any provision of this act be held  
18 invalid, the invalidity thereof shall not affect the remaining  
19 provisions of the act.

20 Section 7. This act shall become effective  
21 immediately upon its passage and approval by the Governor, or  
22 upon its otherwise becoming a law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
  
11  
12  
13  
14

Senate

Read for the first time and referred to the Senate committee on Finance and Taxation General Fund ...	22-MAR-11
Read for the second time and placed on the calen- dar 1 amendment.....	24-MAR-11
Read for the third time and passed as amended ....	26-APR-11

Patrick Harris  
Secretary