

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

1 SB242

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4 ENROLLED, An Act,

5 To make an appropriation of \$42,112,181 from the
6 Children First Trust Fund for the fiscal year ending September
7 30, 2012, to the entities and for the purposes designated in
8 Section 41-15B-2.2, Code of Alabama 1975; to provide for the
9 deposit of tobacco settlement revenues into the Children First
10 Trust Fund; to require written notification of anticipated
11 agency allocations by the State Director of Finance; to
12 require quarterly allocations; to condition allocations on
13 receipt of tobacco revenues; to make an appropriation of
14 \$45,966,572 from other tobacco settlement funds for the fiscal
15 year ending September 30, 2012; and to make a conditional
16 appropriation and allocation of additional tobacco revenues
17 upon the recommendation of the Director of Finance, the
18 Chairman of the House Ways and Means General Fund Committee
19 and the Chairman of the Senate Finance and Taxation-General
20 Fund Committee, and the approval of the Governor.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) There is hereby appropriated from the
23 Children First Trust Fund the sum of \$42,112,181 for the fis-
24 cal year ending September 30, 2012, to the entities and for
25 the purposes designated in Section 41-15B-2.2, Code of Alabama

1 1975 as follows, per the approved plan of investment for each
 2 agency:

3	Alcoholic Beverage Control Board	611,353
4	Children's Trust Fund	2,436,340
5	Department of Forensic Sciences	487,269
6	Alabama Department of Human Resources	9,745,362
7	Of the above appropriation to the Department of	
8	Human Resources, \$765,500 shall be allocated to	
9	the Alabama Network of Children's Advocacy Cen-	
10	ters. The funds allocated may be used for opera-	
11	tions and maintenance.	
12	Juvenile Probation Services Fund	5,742,298
13	Alabama Medicaid Agency	1,705,438
14	Alabama Department of Mental Health	2,770,740
15	State Multiple Needs Children's Fund	4,076,550
16	Department of Public Health	4,872,681
17	Department of Rehabilitation Services	243,634
18	Department of Youth Services	9,420,516

19 (b) (1) All tobacco revenues from the tobacco
 20 settlement received by the state previously designated for the

1 Children First Trust Fund shall be deposited to the Children
2 First Trust Fund within 30 calendar days of receipt of those
3 tobacco revenues.

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

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

1 notified in writing of all appropriations and allocations from
 2 the Children First Trust Fund by the Director of Finance.

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

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

8 (d) At the conclusion of the fiscal year, any
 9 remaining sums in the Children First Trust Fund shall remain
 10 in the fund and shall not revert to the General Fund or to any
 11 other fund, except as provided by HB_____ or SB 133 of the 2011
 12 Regular Session, if enacted into law.

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

17	Department of Children's Affairs	250,000
18	21st Century Debt Service	13,000,000
19	Senior Services Trust Fund	1,392,195
20	Alabama Medicaid Agency	29,236,085
21	Department of Senior Services - Medicaid Waiver	2,088,292

1 Section 3. Any additional tobacco revenues available
2 for the fiscal year ending September 30, 2012, shall be
3 conditionally appropriated, conditioned upon the
4 recommendation of the Director of Finance, the Chairman of the
5 House Ways and Means General Fund Committee and the Chairman
6 of the Senate Finance and Taxation-General Fund Committee, and
7 approval of the Governor.

8 Section 4. The Executive Budget Office and the
9 Director of Finance shall allot funds appropriated from the
10 Children First Trust Fund only following the certification by
11 the Commissioner of the Department of Children's Affairs that
12 a plan of investment has been approved for each agency. The
13 Commissioner of the Department of Children's Affairs shall
14 prescribe the form and format on which each agency receiving
15 appropriated funds herein shall submit a plan of investment of
16 said appropriated funds. The plan of investment shall include,
17 but not be limited to, a minimum of four (4) quality assurance
18 items on which a periodic report, as required by the approved
19 plan of investment, is made and as audited by the Examiners of
20 Public Accounts. Quality assurance items shall include the
21 number of children receiving service, an identifiable measure
22 of success of services provided and a prioritized standard of
23 successful measures for future plans of investment. It is the
24 intent of the Legislature that the Commissioner of the

1 Department of Children's Affairs shall be responsible for
2 providing a standard of measurement by which a clear
3 determination can be made through operational reporting and
4 audit reporting of a measurable success of funds appropriated
5 and invested from the Children First Trust Fund; insure funds
6 appropriated herein are invested in viable programs; insure
7 and promote the leverage of appropriated funds herein in every
8 possible manner and coordinated in all possible ways the
9 investment of funds by each service provider to insure that no
10 unproductive expenditures or duplication occurs. The
11 Commissioner of the Department of Children's Affairs shall
12 notify legislators representing the area where a grant from
13 the Children First Trust Fund is designated. The notification
14 shall occur ten days before the funds reach the recipient
15 agency.

16 Section 5. The Commissioner of the Department of
17 Children's Affairs shall report each approved plan of
18 investment to the Joint Interim Legislative Oversight
19 Committee and the Alabama Children's Policy Council. The
20 Commissioner, upon the request of the service agency, may
21 approve an adjusted plan of investment. It is the intent of
22 the Legislature that funds appropriated from the Children
23 First Trust Fund be directed to meet the most immediate needs
24 of children as changing conditions may develop.

1 Section 6. Should any provision of this act be held
2 invalid, the invalidity thereof shall not affect the remaining
3 provisions of the act.

4 Section 7. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 upon its otherwise becoming a law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB242

Senate 26-APR-11

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

Patrick Harris
Secretary

House of Representatives
Amended and passed 01-JUN-11

Senate concurred in House amendment 02-JUN-11

By: Senator Scofield