

1 SB288  
2 149448-3  
3 By Senators Waggoner, Orr, Blackwell, Marsh, Ward, Coleman,  
4 Dunn, Reed, Whatley, Beason, and Smitherman  
5 RFD: Finance and Taxation General Fund  
6 First Read: 05-MAR-13

1 SB288

2  
3  
4 ENROLLED, An Act,

5 To make an appropriation of \$39,004,803 from the  
6 Children First Trust Fund for the fiscal year ending September  
7 30, 2014, 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 provide for the transfer to  
14 the State General Fund during fiscal year 2014 that portion of  
15 Children First Trust Fund receipts currently allocated for the  
16 State Board of Education; to make an appropriation of  
17 \$45,168,359 from other tobacco settlement funds for the fiscal  
18 year ending September 30, 2014; and to make a conditional  
19 appropriation and allocation of additional tobacco revenues  
20 upon the recommendation of the Director of Finance, the  
21 Chairman of the House Ways and Means General Fund Committee  
22 and the Chairman of the Senate Finance and Taxation-General  
23 Fund Committee, and the approval of the Governor.

24 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 \$39,004,803 for the fis-  
 3 cal year ending September 30, 2014, 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	597,104
8	Children's Trust Fund	2,415,005
9	Department of Forensic Sciences	477,091
10	Alabama Department of Human Resources	9,593,095
11	Juvenile Probation Services Fund	4,657,710
12	Alabama Medicaid Agency	1,665,163
13	Alabama Department of Mental Health	2,378,805
14	State Multiple Needs Children's Fund	4,126,550
15	Department of Public Health	4,757,610
16	Department of Rehabilitation Services	248,634
17	Department of Youth Services	8,088,036

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

1 First Trust Fund within 30 calendar days of receipt of those  
2 tobacco revenues.

3 (2) The Director of Finance shall notify each agency  
4 and the Department of Children's Affairs in writing prior to  
5 September 1, 2013, of the dollar amount of the allocation  
6 expected to be received by the agency from the Children First  
7 Trust Fund in the fiscal year ending September 30, 2014.

8 (3) At the beginning of each quarter of the fiscal  
9 year ending September 30, 2014, the respective agency shall be  
10 allocated at least one-fourth of the total amount appropriated  
11 and allocated to the agency for that fiscal year when tobacco  
12 revenues are available for the respective agency. In the event  
13 tobacco revenues are not available for the respective agency  
14 until later in the fiscal year then the respective agency  
15 shall be allocated an equal quarterly allotment for the  
16 quarters that funds are available at the beginning of those  
17 quarters. Such allocation shall be made and be available for  
18 expenditure by the agency within five working days of the  
19 commencement of the quarter. If additional sums are  
20 appropriated or allocated, or both, during the fiscal year,  
21 these sums shall be equally allocated to the respective agency  
22 among the remaining quarters of the fiscal year or may be  
23 allocated to the respective agency in one sum if revenues are  
24 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 \_\_\_\_ of the  
12 2013 Regular Session, Act No. \_\_\_\_.

13 Section 2. Notwithstanding any provision of Division  
14 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama  
15 1975, any provision of Chapter 15B of Title 41, Code of  
16 Alabama 1975, or any other provision of law, that portion of  
17 Children First Trust Fund receipts currently allocated for the  
18 State Board of Education shall be transferred from the  
19 Children First Trust Fund to the State General Fund during the  
20 fiscal year ending September 30, 2014.

21 Section 3. In addition to the appropriation herein  
22 above made, there is hereby appropriated from additional to-  
23 bacco settlement funds the sum of \$45,168,359 for the fiscal  
24 year ending September 30, 2014 to the following entities:

1	Department of Children's Affairs	250,000
2	21st Century Debt Service	13,000,000
3	Senior Services Trust Fund	1,359,317
4	Alabama Medicaid Agency	28,545,658
5	Department of Senior Services - Medicaid Waiver	2,013,384

6           Section 4. Any additional tobacco revenues available  
7 for the fiscal year ending September 30, 2014, shall be  
8 conditionally appropriated, conditioned upon the  
9 recommendation of the Director of Finance, the Chairman of the  
10 House Ways and Means General Fund Committee and the Chairman  
11 of the Senate Finance and Taxation-General Fund Committee, and  
12 approval of the Governor.

13           Section 5. The Executive Budget Office and the  
14 Director of Finance shall allot funds appropriated from the  
15 Children First Trust Fund only following the certification by  
16 the Commissioner of the Department of Children's Affairs that  
17 a plan of investment has been approved for each agency. The  
18 Commissioner of the Department of Children's Affairs shall  
19 prescribe the form and format on which each agency receiving  
20 appropriated funds herein shall submit a plan of investment of  
21 said appropriated funds. The plan of investment shall include,  
22 but not be limited to, a minimum of four (4) quality assurance  
23 items on which a periodic report, as required by the approved

1 plan of investment, is made and as audited by the Examiners of  
2 Public Accounts. Quality assurance items shall include the  
3 number of children receiving service, an identifiable measure  
4 of success of services provided and a prioritized standard of  
5 successful measures for future plans of investment. It is the  
6 intent of the Legislature that the Commissioner of the  
7 Department of Children's Affairs shall be responsible for  
8 providing a standard of measurement by which a clear  
9 determination can be made through operational reporting and  
10 audit reporting of a measurable success of funds appropriated  
11 and invested from the Children First Trust Fund; insure funds  
12 appropriated herein are invested in viable programs; insure  
13 and promote the leverage of appropriated funds herein in every  
14 possible manner and coordinated in all possible ways the  
15 investment of funds by each service provider to insure that no  
16 unproductive expenditures or duplication occurs. The  
17 Commissioner of the Department of Children's Affairs shall  
18 notify legislators representing the area where a grant from  
19 the Children First Trust Fund is designated. The notification  
20 shall occur ten days before the funds reach the recipient  
21 agency.

22 Section 6. The Commissioner of the Department of  
23 Children's Affairs shall report each approved plan of  
24 investment to the Joint Interim Legislative Oversight  
25 Committee and the Alabama Children's Policy Council. The

1 Commissioner, upon the request of the service agency, may  
2 approve an adjusted plan of investment. It is the intent of  
3 the Legislature that funds appropriated from the Children  
4 First Trust Fund be directed to meet the most immediate needs  
5 of children as changing conditions may develop.

6 Section 7. Should any provision of this act be held  
7 invalid, the invalidity thereof shall not affect the remaining  
8 provisions of the act.

9 Section 8. This act shall become effective  
10 immediately upon its passage and approval by the Governor, or  
11 upon its otherwise becoming a law.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB288

Senate 12-MAR-13

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

Patrick Harris  
Secretary

---

House of Representatives  
Amended and passed 23-APR-13

---

Senate concurred in House amendment 09-MAY-13

---

By: Senator Waggoner