

1 HB129  
2 164581-2  
3 By Representative Sells  
4 RFD: Ways and Means General Fund  
5 First Read: 05-MAR-15

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ENROLLED, An Act,

To make an appropriation of \$37,131,484 from the Children First Trust Fund for the fiscal year ending September 30, 2016, to the entities and for the purposes designated in Section 41-15B-2.2, Code of Alabama 1975; to provide for the deposit of tobacco settlement revenues into the Children First Trust Fund; to require written notification of anticipated agency allocations by the State Director of Finance; to require quarterly allocations; to condition allocations on receipt of tobacco revenues; to provide for the transfer to the State General Fund during fiscal year 2016 that portion of Children First Trust Fund receipts currently allocated for the State Board of Education; to make an appropriation of \$44,835,893 from other tobacco settlement funds for the fiscal year ending September 30, 2016; and to make a conditional appropriation and allocation of additional tobacco revenues upon the recommendation of the Director of Finance, the Chairman of the House Ways and Means General Fund Committee and the Chairman of the Senate Finance and Taxation-General Fund Committee, and the approval of the Governor and to provide an income tax refund check-off for a contribution to the Children First Trust Fund. .

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 \$37,131,484 for the fis-  
 3 cal year ending September 30, 2016, 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	515,045
8	Children's Trust Fund	2,317,631
9	Department of Forensic Sciences	447,297
10	Alabama Department of Human Resources	9,293,328
11	Juvenile Probation Services Fund	4,646,663
12	Alabama Medicaid Agency	1,622,342
13	Alabama Department of Mental Health	2,022,457
14	State Multiple Needs Children's Fund	3,264,106
15	Department of Public Health	4,646,663
16	Department of Rehabilitation Services	248,634
17	Department of Youth Services	8,107,318

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, 2015, 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, 2016.

8 (3) At the beginning of each quarter of the fiscal  
9 year ending September 30, 2016, 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 2015 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, 2016.

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 \$44,835,893 for the fiscal  
24 year ending September 30, 2016 to the following entities:

1	Department of Children's Affairs	613,054
2	21st Century Debt Service	13,000,000
3	Senior Services Trust Fund	1,328,632
4	Alabama Medicaid Agency	27,901,260
5	Department of Senior Services - Medicaid Waiver	1,992,947

6           Section 4. Any additional tobacco revenues available  
7 for the fiscal year ending September 30, 2016, 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. Section 40-18-140, Code of Alabama 1975,  
7 is amended to read as follows:

8 "§40-18-140

9 "(a) (1) Each Alabama resident individual income  
10 taxpayer desiring to contribute to any of the programs listed  
11 in subsection (b) may designate an amount of his or her  
12 refund, rounded off in whole dollars, in an appropriate box on  
13 the state income tax return form, to be credited to the  
14 program.

15 "(2) All future check-offs, duly enacted by the  
16 Legislature subsequent to April 17, 2006, shall be accorded an  
17 appropriate box on the state income tax return forms, subject  
18 to the terms and conditions prescribed herein, without the  
19 requirement that they be added by amendment to this section.

20 "(b) Contributions received for the following  
21 authorized charitable and nonpolitical income tax check-off  
22 recipients, less costs of administration to the Department of  
23 Revenue not to exceed five percent, shall be distributed and  
24 appropriated as provided herein:



1           "(1) Contributions to the Alabama Aging Program  
2 shall be deposited with the State Treasurer into the Alabama  
3 Senior Services Trust Fund for preserving, protecting,  
4 perpetuating, and enhancing the abilities of aging citizens to  
5 remain independent, under the auspices of the Department of  
6 Senior Services.

7           "(2) Contributions to the Arts Development Fund  
8 shall be deposited into the General Fund of the State  
9 Treasury, to be appropriated to the Council on the Arts and  
10 Humanities to fund grants to tax exempt organizations or  
11 associations to encourage development of high quality and  
12 artistically significant arts activities or cultural  
13 facilities in local areas and shall be distributed in  
14 accordance with Article 3, commencing with Section 41-9-40,  
15 Chapter 9, Title 41.

16           "(3) Contributions to Alabama Nongame Wildlife  
17 Program shall be deposited in the Alabama Nongame Wildlife  
18 Fund in the State Treasury to the credit of the Game and Fish  
19 Fund to be used exclusively for purposes of preserving,  
20 protecting, perpetuating, and enhancing nongame wildlife in  
21 this state. Nothing contained herein shall be construed to  
22 give any rights of condemnation to the Department of  
23 Conservation and Natural Resources.

24           "(4) Contributions to the Children's Trust Fund  
25 shall be deposited with the State Treasurer into the State

1 Child Abuse and Neglect Prevention Board Operations Fund, as  
2 provided for under Section 26-16-30.

3 "(5) Contributions to the Alabama Veterans' Program  
4 shall be deposited in the State Treasury to the credit of the  
5 Department of Veterans' Affairs to be used exclusively for  
6 purposes of providing nursing home and health care for aged  
7 and disabled veterans in this state.

8 "(6) Contributions to the Alabama Indian Children's  
9 Scholarship Fund shall be deposited with the State Treasurer  
10 for distribution to the Alabama Indian Affairs Commission for  
11 educational scholarships.

12 "(7) Contributions to the Penny Trust Fund shall be  
13 deposited with the State Treasurer for distribution according  
14 to Section 41-15A-2.

15 "(8) Contributions to the Foster Care Trust Fund,  
16 established under Sections 38-10-50 and 38-10-51, shall be  
17 deposited with the State Treasurer to be continuously  
18 appropriated to the Department of Human Resources to assist  
19 all children in temporary or permanent custody in foster care.

20 "(9) Contributions designated for mental health on  
21 the Alabama state resident individual income tax return shall  
22 be deposited with the State Treasurer and shall be distributed  
23 equally to the Alliance for the Mentally Ill of Alabama and to  
24 the Mental Health Consumers of Alabama.

1           "(10) Contributions to the Alabama Breast and  
 2           Cervical Cancer Research Program shall be deposited with the  
 3           State Treasurer and distributed to the University of Alabama  
 4           at Birmingham, which shall implement and administer the  
 5           program.

6           "(11) Contributions to the Neighbors Helping  
 7           Neighbors Fund shall be deposited with the State Treasurer for  
 8           distribution by the Department of Economic and Community  
 9           Affairs for weatherization assistance as provided for under  
 10           Article 6, commencing with Section 41-23-100, Chapter 23,  
 11           Title 41.

12           "(12) Contributions to the Alabama 4-H Club  
 13           Foundation, Incorporated, shall be deposited with the State  
 14           Treasurer and distributed to the Alabama 4-H Club Foundation,  
 15           Incorporated.

16           "(13) Contributions to the Alabama Organ Center  
 17           Donor Awareness Fund shall be deposited with the State  
 18           Treasurer for distribution to the fund.

19           "(14) Contributions to the Alabama National Guard  
 20           Foundation, Incorporated, shall be deposited with the State  
 21           Treasurer for distribution to the fund.

22           "(15) Contributions to the Cancer Research Institute  
 23           shall be deposited with the State Treasurer for distribution  
 24           to the institute.

1           "(16) Contributions to the Alabama State Historic  
2 Preservation Fund shall be deposited with the State Treasurer  
3 for distribution to the fund, as provided for in Section  
4 41-9-255.

5           "(17) Contributions to the Archives Services Fund  
6 shall be deposited with the State Treasurer for distribution  
7 to the fund as provided for in Section 41-6-76.

8           "(18) Contributions to the Alabama Firefighters  
9 Annuity and Benefit Fund shall be deposited with the State  
10 Treasurer for distribution to the fund.

11           "(19) Contributions to VOCAL's Victims of Violence  
12 Assistance shall be deposited with the State Treasurer for  
13 distribution to Victims of Crime and Leniency, Inc. (VOCAL).

14           "(20) Contributions, beginning in the 2015 tax year,  
15 to the Children First Trust Fund shall be deposited with the  
16 State Treasurer for distribution to the trust fund.

17           "(c) In the event that three years after adoption, a  
18 check-off authorized under subsection (b) or subdivision (2)  
19 of subsection (a) fails to achieve average annual gross  
20 contributions of seven thousand five hundred dollars (\$7,500)  
21 for a subsequent three-year period, its name will be dropped  
22 from the state income tax return forms for the succeeding tax  
23 year and its original authorization shall be effectively  
24 repealed."

1                   Section 8. 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 9. 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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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 19-MAY-15.

Jeff Woodard  
Clerk

Senate	04-JUN-15	Amended and Passed
House	04-JUN-15	Concurred in Sen- ate Amendment