

1 HB294  
2 120876-5  
3 By Representatives Knight, Love, Canfield, Newton (D) and Boyd  
4 RFD: Government Appropriations  
5 First Read: 14-JAN-10

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2 ENROLLED, An Act,

3 To make an appropriation of \$44,362,974 from the  
4 Children First Trust Fund for the fiscal year ending September  
5 30, 2011, to the entities and for the purposes designated in  
6 Section 41-15B-2.2, Code of Alabama 1975; to provide for the  
7 deposit of tobacco settlement revenues into the Children First  
8 Trust Fund; to require written notification of anticipated  
9 agency allocations by the State Director of Finance; to  
10 require quarterly allocations; to condition allocations on  
11 receipt of tobacco revenues; to make an appropriation of  
12 \$50,457,080 from other tobacco settlement funds for the fiscal  
13 year ending September 30, 2011; and to make a conditional  
14 appropriation and allocation of additional tobacco revenues  
15 upon the recommendation of the Director of Finance, the  
16 Chairman of the House Government Finance and Appropriations  
17 Committee and the Chairman of the Senate Finance and  
18 Taxation-General Fund Committee, and the approval of the  
19 Governor.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) There is hereby appropriated from the  
22 Children First Trust Fund the sum of \$44,362,974 for the fis-  
23 cal year ending September 30, 2011, to the entities and for  
24 the purposes designated in Section 41-15B-2.2, Code of Alabama

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

2	Alcoholic Beverage Control Board	701,817
3	Children's Trust Fund	3,004,489
4	Department of Forensic Sciences	611,433
5	Alabama Department of Human Resources	11,082,960
6	Of the above appropriation to the Department of	
7	Human Resources, \$870,600 shall be allocated to	
8	the Alabama Network of Children's Advocacy Cen-	
9	ters. The funds allocated may be used for opera-	
10	tions and maintenance. In addition, \$100,000 of	
11	the above appropriation to the Department shall	
12	be expended for the Opportunities Industrializa-	
13	tion Center.	
14	Juvenile Probation Services Fund	5,541,480
15	Alabama Medicaid Agency	1,939,519
16	Alabama Department of Mental Health	2,770,740
17	State Multiple Needs Children's Fund	3,448,540
18	Department of Public Health	5,541,480
19	Department of Rehabilitation Services	300,000
20	Department of Youth Services	9,420,516

1           (b) (1) All tobacco revenues from the tobacco  
2 settlement received by the state previously designated for the  
3 Children First Trust Fund shall be deposited to the Children  
4 First Trust Fund within 30 calendar days of receipt of those  
5 tobacco revenues.

6           (2) The Director of Finance shall notify each agency  
7 and the Department of Children's Affairs in writing prior to  
8 September 1, 2010, of the dollar amount of the allocation  
9 expected to be received by the agency from the Children First  
10 Trust Fund in the fiscal year ending September 30, 2011.

11           (3) At the beginning of each quarter of the fiscal  
12 year ending September 30, 2011, the respective agency shall be  
13 allocated at least one-fourth of the total amount appropriated  
14 and allocated to the agency for that fiscal year when tobacco  
15 revenues are available for the respective agency. In the event  
16 tobacco revenues are not available for the respective agency  
17 until later in the fiscal year then the respective agency  
18 shall be allocated an equal quarterly allotment for the  
19 quarters that funds are available at the beginning of those  
20 quarters. Such allocation shall be made and be available for  
21 expenditure by the agency within five working days of the  
22 commencement of the quarter. If additional sums are  
23 appropriated or allocated, or both, during the fiscal year,  
24 these sums shall be equally allocated to the respective agency

1 among the remaining quarters of the fiscal year or may be  
2 allocated to the respective agency in one sum if revenues are  
3 available. The Department of Children's Affairs shall be  
4 notified in writing of all appropriations and allocations from  
5 the Children First Trust Fund by the Director of Finance.

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

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

11 (d) At the conclusion of the fiscal year, any  
12 remaining sums in the Children First Trust Fund shall remain  
13 in the fund and shall not revert to the General Fund or to any  
14 other fund, except as provided by HB 277 or SB 239 of the 2010  
15 Regular Session, if enacted into law.

16 Section 2. In addition to the appropriation herein  
17 above made, there is hereby appropriated from additional to-  
18 bacco settlement funds the sum of \$50,457,080 for the fiscal  
19 year ending September 30, 2011 to the following entities:

20	Department of Children's Affairs	250,000
21	21st Century Debt Service	13,000,000
22	Senior Services Trust Fund	1,583,280
23	Alabama Medicaid Agency	33,248,880

1 Department of Senior Services - Medicaid Waiver 2,374,920

2 Section 3. Any additional tobacco revenues available  
3 for the fiscal year ending September 30, 2011, shall be  
4 conditionally appropriated, conditioned upon the  
5 recommendation of the Director of Finance, the Chairman of the  
6 House Government Finance and Appropriations Committee and the  
7 Chairman of the Senate Finance and Taxation-General Fund  
8 Committee, and approval of the Governor.

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

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

18 Section 5. The Commissioner of the Department of  
19 Children's Affairs shall report each approved plan of  
20 investment to the Joint Interim Legislative Oversight  
21 Committee and the Alabama Children's Policy Council. The  
22 Commissioner, upon the request of the service agency, may  
23 approve an adjusted plan of investment. It is the intent of  
24 the Legislature that funds appropriated from the Children

1 First Trust Fund be directed to meet the most immediate needs  
2 of children as changing conditions may develop.

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

6 Section 7. This act shall become effective  
7 immediately upon its passage and approval by the Governor, or  
8 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 06-APR-10, as amended.

Greg Pappas  
Clerk

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Senate

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13-APR-10

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Passed