

1 HB53
2 103198-2
3 By Representative Knight
4 RFD: Government Appropriations
5 First Read: 27-MAY-08



1
2 ENROLLED, An Act,

3 To make an appropriation of \$53,881,470 from the
4 Children First Trust Fund for the fiscal year ending September
5 30, 2009, 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 \$52,493,077 from other tobacco settlement funds for the fiscal
13 year ending September 30, 2009; 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 Appropriations Committee and
17 the Chairman of the Senate Finance and Taxation-General Fund
18 Committee, and the approval of the Governor.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) There is hereby appropriated from the
21 Children First Trust Fund the sum of \$53,881,470 for the fis-
22 cal year ending September 30, 2009, to the entities and for
23 the purposes designated in Section 41-15B-2.2, Code of Alabama
24 1975 as follows, per the approved plan of investment for each
25 agency:

1	Alcoholic Beverage Control Board	701,817
2	Department of Child Abuse and Neglect Prevention	3,092,042
3	Department of Forensic Sciences	609,563
4	Alabama Department of Human Resources	11,880,972
5	Of the above appropriation to the Department of	
6	Human Resources, \$870,600 shall be allocated to	
7	the Alabama Network of Children's Advocacy Cen-	
8	ters. These funds allocated may be used for op-	
9	erations and maintenance. In addition, \$100,000	
10	of the above appropriation to the Department	
11	shall be expended for the Opportunities Indus-	
12	trialization Center.	
13	Juvenile Probation Services Fund	6,107,927
14	Alabama Medicaid Agency	2,680,820
15	Alabama Department of Mental Health	4,638,697
16	State Multiple Needs Children's Fund	3,492,613
17	Department of Public Health	5,940,485
18	Department of Rehabilitation Services	259,757
19	Department of Youth Services	14,476,777

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, 2008, 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, 2009.

11 (3) At the beginning of each quarter of the fiscal
12 year ending September 30, 2009, 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 ____ or SB ____ of the
 15 2008 1st Special 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 \$52,493,077 for the fiscal
 19 year ending September 30, 2009 to the following entities:

20	Department of Children's Affairs	250,013
21	21st Century Debt Service	13,000,000
22	Senior Services Trust Fund	1,671,998
23	Alabama Medicaid Agency	35,111,965

1 Department of Senior Services - Medicaid Waiver 2,459,101

2 Section 3. Any additional tobacco revenues available
3 for the fiscal year ending September 30, 2009, shall be
4 conditionally appropriated, conditioned upon the
5 recommendation of the Director of Finance, the Chairman of the
6 House Government Appropriations Committee and the Chairman of
7 the Senate Finance and Taxation-General Fund Committee, and
8 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 services, 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.

Adm. / Huff

Speaker of the House of Representatives

Jim Tolson

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 29-MAY-08.

Greg Pappas
Clerk

Senate

31-MAY-08

Passed

APPROVED *June 9, 2008*
TIME *11:10 a.m.*
Bob Riley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2008-546
Bill Num...: H-53
Recv'd 06/09/08 02:54pm JJB