

1 SB101
2 82551-4
3 By Senators Mitchem and French
4 RFD: Finance and Taxation General Fund
5 First Read: 10-JAN-06

ACT No. 2006-409



SB101

ENROLLED, An Act,

To make an appropriation of \$42,446,675 from the Children First Trust Fund for the fiscal year ending September 30, 2007, 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 make an appropriation of \$48,826,692 from other tobacco settlement funds for the fiscal year ending September 30, 2007; 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 Government Finance and Appropriations Committee and the Chairman of the Senate Finance and Taxation-General Fund Committee, and the approval of the Governor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is hereby appropriated from the Children First Trust Fund the sum of \$42,446,675 for the fiscal year ending September 30, 2007, to the entities and for

the purposes designated in Section 41-15B-2.2, Code of Alabama 1975 as follows, per the approved plan of investment for each agency:

Alcoholic Beverage Control Board	552,528
Children's Trust Fund	2,653,452
Department of Forensic Sciences	550,000
Alabama Department of Human Resources	10,636,900
Of the above appropriation to the Department of Human Resources, \$870,600 shall be allocated to the Alabama Network of Children's Advocacy Centers. These funds allocated may be used for operations and maintenance.	
Juvenile Probation Services Fund	5,360,827
Alabama Medicaid Agency	2,165,000
Alabama Department of Mental Health	2,694,824
State Multiple Needs Children's Fund	2,801,766
Department of Public Health	5,332,440
Department of Rehabilitation Services	266,443

Department of Youth Services

9,432,495

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

(2) The Director of Finance shall notify each agency and the Department of Children's Affairs in writing prior to September 1, 2006, of the dollar amount of the allocation expected to be received by the agency from the Children First Trust Fund in the fiscal year ending September 30, 2007.

(3) At the beginning of each quarter of the fiscal year ending September 30, 2007, the respective agency shall be allocated at least one-fourth of the total amount appropriated and allocated to the agency for that fiscal year when tobacco revenues are available for the respective agency. In the event tobacco revenues are not available for the respective agency until later in the fiscal year then the respective agency shall be allocated an equal quarterly allotment for the quarters that funds are available at the beginning of those quarters. Such allocation shall be made and be available for expenditure by the agency within five working days of the commencement of the quarter. If additional sums are

appropriated or allocated, or both, during the fiscal year, these sums shall be equally allocated to the respective agency among the remaining quarters of the fiscal year or may be allocated to the respective agency in one sum if revenues are available. The Department of Children's Affairs shall be notified in writing of all appropriations and allocations from the Children First Trust Fund by the Director of Finance.

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

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

(d) At the conclusion of the fiscal year, any remaining sums in the Children First Trust Fund shall remain in the fund and shall not revert to the General Fund or to any other fund, except as provided by HB 269 or SB 98 of the 2006 Regular Session, if enacted into law.

Section 2. In addition to the appropriation herein above made, there is hereby appropriated from additional tobacco settlement funds the sum of \$48,826,692 for the fiscal year ending September 30, 2007 to the following entities:

Department of Children's	
Affairs	174,885
21st Century Debt Service	13,000,000

1	Senior Services Trust Fund	1,535,999
2	Alabama Medicaid Agency	31,841,421
3	Department of Senior Services	
4	- Medicaid Waiver	2,274,387

5
6 Section 3. Any additional tobacco revenues received
7 for the fiscal year ending September 30, 2007, shall be
8 conditionally appropriated, conditioned upon the
9 recommendation of the Director of Finance, the Chairman of the
10 House Government Finance and Appropriations Committee and the
11 Chairman of the Senate Finance and Taxation-General Fund
12 Committee, and approval of the Governor.

13 Section 4. 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 before the funds reach the recipient agency.

21 Section 5. The Commissioner of the Department of
22 Children's Affairs shall report each approved plan of
23 investment to the Joint Interim Legislative Oversight
24 Committee and the Alabama Children's Policy Council. The
25 Commissioner, upon the request of the service agency, may

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

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

8 Section 7. This act shall become effective
9 immediately upon its passage and approval by the Governor, or
10 upon its otherwise becoming a law.

Lucy Baxley

President and Presiding Officer of the Senate

Sam. Huff

Speaker of the House of Representatives

SB101

Senate 14-MAR-06

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

McDowell Lee
Secretary

House of Representatives
Passed: 04-APR-06

By: Senator Mitchem

APPROVED *April 14, 2006*

TIME *3:15 p.m.*

Bob Riley
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2006-409
Bill Num....: S-101