

1 HB229
2 156210-2
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 15-JAN-14

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ENROLLED, An Act,

To make an appropriation of \$40,972,964 from the Children First Trust Fund for the fiscal year ending September 30, 2015, 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 2015 that portion of Children First Trust Fund receipts currently allocated for the State Board of Education; to make an appropriation of \$44,875,562 from other tobacco settlement funds for the fiscal year ending September 30, 2015; 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is hereby appropriated from the Children First Trust Fund the sum of \$40,972,964 for the fiscal year ending September 30, 2015, to the entities and for

1 the purposes designated in Section 41-15B-2.2, Code of Alabama
 2 1975 as follows, per the approved plan of investment for each
 3 agency:

4	Alcoholic Beverage Control Board	626,959
5	Children's Trust Fund	3,254,431
6	Department of Forensic Sciences	485,734
7	Alabama Department of Human Resources	9,714,633
8	Juvenile Probation Services Fund	4,957,221
9	Alabama Medicaid Agency	1,643,268
10	Alabama Department of Mental Health	2,827,782
11	State Multiple Needs Children's Fund	4,325,293
12	Department of Public Health	4,695,050
13	Department of Rehabilitation Services	248,634
14	Department of Youth Services	8,193,959

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

20 (2) The Director of Finance shall notify each agency
 21 and the Department of Children's Affairs in writing prior to

1 September 1, 2014, of the dollar amount of the allocation
2 expected to be received by the agency from the Children First
3 Trust Fund in the fiscal year ending September 30, 2015.

4 (3) At the beginning of each quarter of the fiscal
5 year ending September 30, 2015, the respective agency shall be
6 allocated at least one-fourth of the total amount appropriated
7 and allocated to the agency for that fiscal year when tobacco
8 revenues are available for the respective agency. In the event
9 tobacco revenues are not available for the respective agency
10 until later in the fiscal year then the respective agency
11 shall be allocated an equal quarterly allotment for the
12 quarters that funds are available at the beginning of those
13 quarters. Such allocation shall be made and be available for
14 expenditure by the agency within five working days of the
15 commencement of the quarter. If additional sums are
16 appropriated or allocated, or both, during the fiscal year,
17 these sums shall be equally allocated to the respective agency
18 among the remaining quarters of the fiscal year or may be
19 allocated to the respective agency in one sum if revenues are
20 available. The Department of Children's Affairs shall be
21 notified in writing of all appropriations and allocations from
22 the Children First Trust Fund by the Director of Finance.

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

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

4 (d) At the conclusion of the fiscal year, any
 5 remaining sums in the Children First Trust Fund shall remain
 6 in the fund and shall not revert to the General Fund or to any
 7 other fund, except as provided by HB ____ or SB ____ of the
 8 2014 Regular Session, Act No. ____.

9 Section 2. Notwithstanding any provision of Division
 10 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama
 11 1975, any provision of Chapter 15B of Title 41, Code of
 12 Alabama 1975, or any other provision of law, that portion of
 13 Children First Trust Fund receipts currently allocated for the
 14 State Board of Education shall be transferred from the
 15 Children First Trust Fund to the State General Fund during the
 16 fiscal year ending September 30, 2015.

17 Section 3. In addition to the appropriation herein
 18 above made, there is hereby appropriated from additional to-
 19 bacco settlement funds the sum of \$44,875,562 for the fiscal
 20 year ending September 30, 2015 to the following entities:

21	Department of Children's Affairs	250,000
22	21st Century Debt Service	13,000,000
23	Senior Services Trust Fund	1,345,768
24	Alabama Medicaid Agency	28,261,141

1 Department of Senior Services - Medicaid Waiver 2,018,653

2 Section 4. Any additional tobacco revenues available
3 for the fiscal year ending September 30, 2015, shall be
4 conditionally appropriated, conditioned upon the
5 recommendation of the Director of Finance, the Chairman of the
6 House Ways and Means General Fund Committee and the Chairman
7 of the Senate Finance and Taxation-General Fund Committee, and
8 approval of the Governor.

9 Section 5. 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
24 successful measures for future plans of investment. It is the

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

17 Section 6. The Commissioner of the Department of
18 Children's Affairs shall report each approved plan of
19 investment to the Joint Interim Legislative Oversight
20 Committee and the Alabama Children's Policy Council. The
21 Commissioner, upon the request of the service agency, may
22 approve an adjusted plan of investment. It is the intent of
23 the Legislature that funds appropriated from the Children
24 First Trust Fund be directed to meet the most immediate needs
25 of children as changing conditions may develop.

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

