

1 HB560  
2 140175-3  
3 By Representative Barton  
4 RFD: Ways and Means General Fund  
5 First Read: 15-MAR-12



1 upon the recommendation of the Governor, for programs autho-  
2 rized by the Children First Act:

3	Amount	Fiscal Year
4	up to \$60,000,000	2000
5	up to \$65,000,000	2001
6	up to \$70,000,000	2002 and each fiscal year thereafter

7 (2) An amount up to \$2,000,000 shall be transferred  
8 beginning in the fiscal year ending September 30, 2000, and  
9 each fiscal year thereafter to the Alabama Senior Services  
10 Trust Fund to be appropriated by the Legislature in the manner  
11 prescribed in Chapter 15C of this title.

12 (3) For fiscal year beginning October 1, 2012,  
13 through the fiscal year ending September 30, 2020 or until  
14 full satisfaction of the sum due to the University of South  
15 Alabama from the State of Alabama pursuant to the December 20,  
16 1999, tobacco litigation settlement, \$1,000,000 each fiscal  
17 year shall be transferred to the University of South Alabama  
18 from tobacco settlement funds.

19 ~~(3)~~ (4) The remainder of tobacco revenues shall be  
20 annually transferred to the State General Fund. In fiscal  
21 years 2000 and 2001 an amount up to \$40,000,000 transferred to  
22 the State General Fund shall be appropriated by the  
23 Legislature to the Alabama Medicaid Agency, of which up to

1 \$3,000,000 shall be appropriated to fund the Medicaid Waiver  
2 Program at the Alabama Department of Senior Services. In  
3 fiscal year 2002 and each fiscal year thereafter an amount up  
4 to \$45,000,000 shall be transferred to the State General Fund  
5 and shall be appropriated by the Legislature to the Alabama  
6 Medicaid Agency, of which up to \$3,000,000 shall be  
7 appropriated to fund the Medicaid Waiver Program at the  
8 Alabama Department of Senior Services. Sufficient safeguards  
9 shall be implemented to ensure that these new monies will  
10 increase and not supplant or decrease existing state support.

11 ~~(4)~~ (5) After the funding required in Section  
12 41-10-629, the first \$38,800,000 of tobacco revenues received  
13 by the State of Alabama shall be distributed and is hereby  
14 appropriated as follows: a. fifty percent to he Alabama  
15 Medicaid Agency and b. fifty percent to the State General  
16 Fund.

17 (b) In any fiscal year in which the distribution of  
18 tobacco revenues, after retaining in the special fund the sums  
19 set forth in Section 41-10-629, is insufficient to fund the  
20 allocations provided for in subdivisions (1) to (3),  
21 inclusive, of subsection (a), the distribution to the funds  
22 and programs in subdivisions (1) to (3), inclusive, of  
23 subsection (a) shall be prorated accordingly. In any fiscal  
24 year in which tobacco revenues, after retaining in the special  
25 fund the sums set forth in Section 41-10-629, exceed the total  
26 authorized to fund the allocations provided for in  
27 subdivisions (1) to (3), inclusive, of subsection (a), the

1 Medicaid Legislative Oversight Committee shall determine the  
2 amount of any excess funds necessary to meet the needs of the  
3 Alabama Medicaid Agency. Any additional excess funds shall be  
4 distributed to the Children First Trust Fund.

5 "§41-15B-2.2.

6 (a) For each fiscal year, beginning October 1, 1999,  
7 contingent upon the Children First Trust Fund receiving  
8 tobacco revenues and upon appropriation by the Legislature, an  
9 amount of up to and including two hundred twenty-five thousand  
10 dollars (\$225,000), or equivalent percentage of the total  
11 fund, shall be designated for the administration of the fund  
12 by the council and the Commissioner of Children's Affairs.

13 (b) For each fiscal year, beginning October 1, 2012,  
14 through the fiscal year ending September 30, 2020 or until  
15 full satisfaction of the sum due to the University of South  
16 Alabama from the State of Alabama pursuant to the December 20,  
17 1999, tobacco litigation settlement, contingent upon the  
18 Children First Trust Fund receiving tobacco revenues and upon  
19 appropriation by the Legislature, \$1,000,000 each fiscal year  
20 shall be designated for the University of South Alabama from  
21 the Children First Trust Fund.

22 ~~(b)~~ (c) For the each fiscal year, beginning October  
23 1, 1999, contingent upon the Children First Trust Fund  
24 receiving tobacco revenues, the remainder of the Children  
25 First Trust Fund, in the amounts provided for in Section  
26 41-15B-2.1, shall be allocated as follows:

1                   (1) Ten percent of the fund shall be allocated to  
2 the Department of Public Health for distribution to one or  
3 more of the following:

4                   a. The Children's Health Insurance Program.

5                   b. Programs for tobacco control among children with  
6 the purpose being to reduce the consumption of all tobacco  
7 products by children. To be eligible to initially receive a  
8 portion of these funds, any county health department, school,  
9 local civic club, charity, or not-for-profit corporation shall  
10 submit a grant application pursuant to the guidelines  
11 promulgated by the State Department of Public Health, with  
12 provisions for annual renewal of the grants. Provisions for  
13 program evaluation in order to determine effectiveness, number  
14 of children served, and financial accountability shall be  
15 included in the guidelines. The Department of Public Health  
16 may employ personnel to carry out the purposes of this section  
17 and may not expend these funds for any purpose other than  
18 those set out in this section.

19                  c. The Alabama Qualified Health Center Grant Program  
20 to increase access to preventative and primary services by  
21 uninsured, underinsured, or medically indigent patients served  
22 by such centers.

23                  d. Any other children's services provided by the  
24 Department of Public Health.

25                   (2) Twenty-two percent of the fund shall be  
26 allocated to the State Board of Education to one or more of  
27 the following:

1           a. The operation of alternative schools as defined  
2 below:

3           1. In the initial fiscal year funding after June 9,  
4 1999, the State Board of Education shall distribute a pro rata  
5 share of the monies based upon the second month enrollment of  
6 the preceding school year to each local board of education  
7 which submits a plan that satisfies all of the following  
8 criteria:

9           (i) The local board of education shall provide a 25  
10 percent match of all funds for alternative school programs.

11           (ii) The local board of education shall provide  
12 suitable facilities for housing alternative school programs.

13           (iii) The plan submitted by each local board of  
14 education shall provide multiple tiers of alternative school  
15 programs which include, but are not limited to, "in-school  
16 suspension," a short-term alternative school program designed  
17 to enable children to perform in the traditional classroom  
18 setting, and a long-term program which is a true alternative  
19 to expulsion.

20           (iv) The plan as submitted by each local board of  
21 education shall outline the educational services which shall  
22 be available to each child assigned to the short-term or  
23 long-term programs. Those services shall include, but are not  
24 limited to, all of the following:

25           A. Remedial education where necessary.

26           B. Counseling, including sessions on conflict  
27 resolution.

1 C. Social skills development.

2 (v) Each tier of the local plan shall be  
3 curriculum-based to address the goal of academic improvement  
4 and shall include, to the extent possible, mandatory parental  
5 notification and involvement.

6 (vi) If a local board of education can  
7 satisfactorily demonstrate that alternative school programs  
8 meeting all of the criteria in this section have been  
9 implemented, the allocation to the local board of education  
10 for alternative school programs may be directed by the State  
11 Board of Education to programs under the School Safety  
12 Enhancement Program.

13 (vii) Each year any monies remaining after  
14 distribution by the State Board of Education to the local  
15 boards of education which meet the criteria pursuant to  
16 subparagraph 1. and qualify for a portion of the monies, shall  
17 be allocated to those local boards of education demonstrating  
18 innovative programs with measurable improvements in academic  
19 achievement, attendance, school behavior, and parental  
20 involvement.

21 2. The State Board of Education shall review the  
22 programs of each local board of education receiving monies  
23 from the fund and shall annually submit a report to the  
24 council by July 1. This report shall include all of the  
25 following:

26 (i) The number of children served in each tier of  
27 the program.



1 (ii) The improvement in academic achievement.

2 (iii) The improvement in behavior.

3 (iv) The improvement in parental involvement.

4 (v) Financial accounting for the state and local  
5 monies expended.

6 3. The State Board of Education shall develop  
7 additional criteria for continued state funding of programs  
8 initiated pursuant to this chapter.

9 4. Sufficient safeguards shall be implemented to  
10 ensure that the new monies will increase and not supplant or  
11 decrease existing state or local support.

12 b.1. The School Safety Enhancement Program. The  
13 amount of monies available to each local board of education  
14 shall be determined by the State Board of Education based upon  
15 the second month enrollment of the preceding school year. To  
16 be eligible to initially receive a portion of the monies, each  
17 local board of education shall submit a grant application  
18 pursuant to guidelines promulgated by the State Board of  
19 Education with provisions for annual renewal of the grants.  
20 Provisions for program evaluation in order to determine  
21 effectiveness and financial accountability shall be included  
22 in the guidelines. The guidelines shall include all of the  
23 following:

24 (i) A component to enhance parental participation in  
25 school activities and promote parental responsibility for the  
26 performance and behavior of their children.

1 (ii) A requirement for a local 25 percent match of  
2 funds for school safety activities, excluding pre-kindergarten  
3 programs for at-risk children listed in item (ii) of  
4 subparagraph 2.

5 (iii) Sufficient safeguards implemented to ensure  
6 that the new monies will increase and not supplant or decrease  
7 existing local support.

8 2. School Safety Enhancement Programs eligible for  
9 grants shall be designed to prevent or reduce violence in the  
10 schools and communities and reduce school disciplinary or  
11 safety problems. The programs shall relate to one or more of  
12 the following:

13 (i) Extended day programs with supervised activities  
14 including, but not limited to, remedial education; tutorial  
15 assistance; arts, music, or other cultural enhancement; and  
16 activities for gifted children. Each local board of education  
17 may charge a fee based upon income for participation in the  
18 programs.

19 (ii) Pre-kindergarten programs for "at-risk"  
20 children. These programs do not require the local 25 percent  
21 match of funds for school safety activities mandated by item  
22 (ii) of subparagraph 1.

23 (iii) Truancy prevention programs which may include  
24 additional school attendance personnel and a Saturday school  
25 component.

26 (iv) Programs to assist children in dealing with  
27 anger and emphasizing acceptable ways of dealing with violence

1 including peer mediation, conflict resolution, and law related  
2 education.

3 (v) Safety plans involving the use of metal  
4 detectors, other security devices, uniforms, school safety  
5 resource officers, or other personnel employed to provide a  
6 safe school environment.

7 (vi) Drug, alcohol, tobacco, gang-related, or  
8 satanic worshipping-related education, prevention, detection,  
9 or enforcement programs.

10 (vii) At-risk identification and intervention  
11 programs designed to identify children who are at-risk and  
12 coordinate school and community services so that the mental,  
13 physical, and social capabilities of the child are enhanced.

14 3. The State Board of Education shall review the  
15 programs of each local board of education which receive monies  
16 from the fund and annually submit a report to the council by  
17 July 1. This report shall include all of the following:

18 (i) The number of children served.

19 (ii) The improvement in academic achievement.

20 (iii) The improvement in behavior.

21 (iv) The improvement in parental involvement.

22 (v) Financial accounting for the state and local  
23 monies expended.

24 4. The State Board of Education shall develop  
25 additional criteria for continued state funding of programs  
26 initiated pursuant to this chapter.

1 c. Any other children's services provided by the  
2 State Board of Education.

3 (3) a. Twenty percent of the fund shall be allocated  
4 to the Alabama Department of Human Resources for distribution  
5 to one or more of the following:

6 1. Foster care basic monthly maintenance rates to  
7 foster families.

8 2. Recruit and maintain additional therapeutic  
9 foster homes.

10 3.(i) Alabama Child Care Management Agencies to fund  
11 child care programs utilizing trained, qualified, and licensed  
12 child care facilities. These child care providers shall have  
13 specific emphasis on early intervention and nutrition services  
14 for all of the following:

15 A. The children of working parents who are income  
16 eligible as is defined by the guidelines of the Alabama  
17 Department of Human Resources for participation in the  
18 subsidized child care program.

19 B. The children of parents who have been unemployed  
20 and on public assistance but who have obtained employment and  
21 are income eligible as is defined by the guidelines of the  
22 Alabama Department of Human Resources for participation in the  
23 subsidized child care program.

24 C. The children of parents who are properly enrolled  
25 in Alabama public schools but have not yet completed school  
26 through grade level 12 and who are income eligible as defined

1 by the guidelines of the Alabama Department of Human Resources  
2 for participation in the subsidized child care program.

3 (ii) The Alabama Department of Human Resources shall  
4 ensure that at least 25 percent of the funds allotted to  
5 Alabama Child Care Management Agencies annually shall be  
6 allocated to those children indicated in subitem A. of item  
7 (i) and at least 25 percent of the funds allotted to Alabama  
8 Child Care Management Agencies annually shall be allocated to  
9 those children indicated in subitem C. of item (i).

10 4. Services through licensed shelter care and  
11 licensed residential foster homes.

12 5. Special needs adoptions to assist in recruiting  
13 prospective adoptive parents, to facilitate the adoption of  
14 children with special needs, and to provide financial  
15 assistance to parents after adoption of these children.

16 6. Child advocacy centers within the state that are  
17 certified by the Alabama Network of Children's Advocacy  
18 Centers, Incorporated, or its successor organization.

19 7. Any other children's services provided by the  
20 Alabama Department of Human Resources.

21 b. Sufficient safeguards shall be implemented to  
22 ensure that these new monies will increase and not supplant or  
23 decrease existing state and local support received from any  
24 source.

25 (4) Five percent of the fund shall be allocated to  
26 the Children's Trust Fund for distribution to one or more of  
27 the following:

1           a. Community-based programs providing unification of  
2 prevention services which shall include, but not be limited  
3 to, all of the following:

- 4           1. Parenting education.
- 5           2. Health screening for at-risk children.
- 6           3. Adult education classes.
- 7           4. Job readiness training.
- 8           5. Welfare-to-work programs.
- 9           6. Quality child care for participants.

10           b. Grants for community-based programs targeted  
11 toward "at-risk" children or teens with specific emphasis on  
12 plans, programs, and services to eradicate gangs,  
13 investigation of child pornography, criminal behavior,  
14 illiteracy, teen unemployment, teen pregnancy, and single  
15 parent families pursuant to the guidelines of the Children's  
16 Trust Fund as provided in Sections 26-16-30 to 26-16-33,  
17 inclusive.

18           c. The Children's Cabinet.

19           d. The Wallace Newborn Screening program.

20           e. The Child Abuse and Neglect Prevention Board.

21           f. Any other children's services provided by the  
22 Children's Trust Fund.

23           (5) Five percent of the fund shall be allocated to  
24 the State Multiple Needs Children's Fund, pursuant to Section  
25 12-15-174, to be allocated by the Alabama Children's Services  
26 Facilitation Team for services for multiple needs children in  
27 accordance with Sections 12-15-171 and 12-15-175. The Alabama

1 Children's Services Facilitation Team shall develop a written  
2 plan to address the needs of multiple needs children.

3 Disbursements from the Multiple Needs Children Fund shall be  
4 based on the written plan. The monies allocated pursuant to  
5 this subdivision shall be distributed to one or more of the  
6 following:

7 a. Counties, based upon the per capita child  
8 population of each county, according to the most recent  
9 federal census, to provide services for multiple needs  
10 children identified by the county children's services  
11 facilitation team or referred by the juvenile court. These  
12 funds may be expended by a county children's services  
13 facilitation team to meet the needs of children for whom  
14 individualized service plans have been developed and approved  
15 and which are within the guidelines, policies, and procedures  
16 of the Alabama Children's Services Facilitation Team.  
17 Allotments to county children's services facilitation teams  
18 shall be disbursed quarterly.

19 b. Alabama Children's Services Facilitation Team for  
20 children whose needs exceed the resources available in the  
21 local community. These monies shall be used to purchase  
22 services or to develop services when a sufficient need can be  
23 documented.

24 c. Any other children's services provided by the  
25 State Multiple Needs Children's Fund.

1           (6) Five percent of the fund shall be allocated to  
2 the Department of Mental Health and Mental Retardation for  
3 distribution to one or more of the following:

4           a. Community-based services for children and  
5 families in crisis. The department shall maintain standards  
6 and procedures to require that all staff members who provide  
7 services pursuant to this subdivision have the appropriate  
8 specialized training or experience, or both, to meet the needs  
9 of the children and families served.

10           b. Intensive long term programs designed to change  
11 behavior and rehabilitate children with gang-related problems,  
12 satanic worshipping-related problems, drug or alcohol problems  
13 or addictions. Private providers may be utilized for these  
14 drug and alcohol and gang-related and satanic  
15 worshipping-related treatment programs. A portion of the funds  
16 allocated pursuant to this paragraph shall be used to fund  
17 halfway houses or other graduated release facilities for  
18 children with drug or alcohol problems or addictions.

19           c. Any other children's services provided by the  
20 Department of Mental Health and Mental Retardation.

21           (7) a. Ten percent of the funds shall be allocated  
22 to the Juvenile Probation Services Fund and administered by  
23 the Administrative Office of Courts to unify and upgrade the  
24 juvenile justice system and improve the delivery of services  
25 to children who have been referred to the juvenile court. The  
26 monies allocated to the Juvenile Probation Services Fund shall  
27 be allotted to one or more of the following:



1           1. Convert juvenile probation officers and support  
2 staff in counties with a population of 99,000 or less,  
3 according to the most recent federal census, and Mobile  
4 County, Calhoun County, Etowah County, and Tuscaloosa County  
5 to state employee status under the direction and supervision  
6 of the Administrative Office of Courts pursuant to the  
7 Juvenile Probation Services Improvement Act. These funds shall  
8 also be used to provide salary subsidies for juvenile  
9 probation officers in each county with a population of more  
10 than 99,000, on the basis of one salary subsidy per 15,000  
11 population or a fraction thereof.

12           2. In the fiscal year ending September 30, 1999,  
13 additional juvenile probation services positions at the ratio  
14 of one position per population of 47,000 or a major fraction  
15 of that amount. At a minimum, each county shall receive at  
16 least one additional juvenile probation officer. Juvenile  
17 probation services positions shall include juvenile probation  
18 officers, professional staff charged with developing programs  
19 for early intervention and correction of delinquent behavior,  
20 and officers assigned to intensively supervise juveniles  
21 returning from regional or state institutions. Each county  
22 shall be allocated at least one additional juvenile probation  
23 officer subsidy for the fiscal year ending September 30, 1999.

24           3. Any other juvenile probation service provided by  
25 the Administrative Office of Courts through the Juvenile  
26 Probation Services Fund.

1           b. In successive fiscal years, the percentage of  
2 monies received pursuant to this subdivision shall be allotted  
3 to the Juvenile Probation Services Fund to provide funding for  
4 juvenile probation services administered by the Administrative  
5 Office of Courts.

6           c. Each presiding juvenile court judge and chief  
7 juvenile probation officer shall jointly file a sworn  
8 statement on approved forms with the Administrative Office of  
9 Courts prior to July 1 of each year which shall contain a  
10 detailed listing of the general services provided by the  
11 juvenile probation staff to the children under their  
12 supervision. The services provided in each county shall  
13 include, but not be limited to, all of the following:

14                 1. Programs to develop basic competency in social  
15 skills.

16                 2. Truancy prevention programs.

17                 3. Restitution collection programs.

18                 4. Community service work programs.

19                 5. Programs utilizing trained volunteers including  
20 mentor programs, volunteers in probation, and other programs.

21                 6. Programs mandating parental accountability.

22                 7. Intensive aftercare programs for children  
23 returning from regional or state institutions.

24           d. The responsibilities provided in this subdivision  
25 are supplemental to those provided in Section 12-15-7.

26                 (8) a. Seventeen percent of the revenues shall be  
27 allocated to the Department of Youth Services to fund through

1 public or private providers secure beds, group homes,  
2 graduated release facilities, community-based alternatives to  
3 commitment to the Department of Youth Services, and for  
4 subsidies for regional detention facilities. The public or  
5 private providers shall develop an aftercare plan for each  
6 juvenile leaving the custody of the Department of Youth  
7 Services and shall be responsible for monitoring compliance  
8 with and completion of each plan. The Department of Youth  
9 Services Board shall develop criteria and an allocation  
10 formula to insure that monies received from the fund shall be  
11 equitably distributed to provide access to local juvenile  
12 offender programs for both urban and rural areas throughout  
13 the state. The funds allocated to the Department of Youth  
14 Services shall be distributed for one or more of the  
15 following:

16 1. Facilities for secure beds and for graduated  
17 release facilities to integrate children from the Department  
18 of Youth Services secure facilities back into their local  
19 communities.

20 2. Intensive programs to include, but not be limited  
21 to, wilderness programs of sufficient duration to change  
22 behavior, to develop self-reliance, and to develop a work  
23 ethic. Not less than 20 percent of these funds shall be  
24 designated for the treatment of juvenile sex offenders.

25 3. Alternative programs which shall include, but not  
26 be limited to, bootcamps with a minimum required stay of 90

1 days, day-reporting centers, and intensive monitoring systems  
2 which are community-based.

3 4. Subsidies for regional detention facilities.

4 5. Any other children's services provided by the  
5 Department of Youth Services.

6 b. An annual accounting of the distribution of the  
7 monies and the effectiveness of the programs shall be prepared  
8 by the Department of Youth Services and filed with the council  
9 prior to July 1. Sufficient safeguards shall be implemented to  
10 ensure that the new monies will increase and not supplant or  
11 decrease existing state or local support, except the portion  
12 of funds used year to year according to needs enumerated in  
13 this section.

14 (9) Three and one-half percent of the funds shall be  
15 allocated to the Alabama Medicaid Agency to fund services to  
16 directly benefit the needs of children and an AIDS waiver.

17 (10) One percent of the funds shall be allocated to  
18 the Alcoholic Beverage Control Board for education and  
19 enforcement of Chapter 11 of Title 28, which prohibits access  
20 to tobacco products by minors.

21 (11) a. One percent of the funds shall be allocated  
22 to the Department of Forensic Sciences to fund forensic  
23 services including, but not limited to, all of the following:

24 1. Investigation of child deaths where the child was  
25 not under the care of a physician, identification of missing  
26 children remains, and analysis of forensic evidence associated  
27 with crimes where the victim is a child.

1           2. Provision of medical examiners for local child  
2 death review teams.

3           3. Education of medical students and resident  
4 physicians regarding fatal child abuse.

5           4. Provision of expert testimony in court cases  
6 involving forensic findings in criminal investigations.

7           5. Provision of other forensic services for children  
8 when requested by the council.

9           b. The Department of Forensic Sciences shall prepare  
10 an annual accounting of the distribution of monies received  
11 and the effectiveness of programs implemented pursuant to this  
12 chapter and shall file the accounting with the council before  
13 July 1. Sufficient safeguards shall be implemented to ensure  
14 that the new monies increase and not supplant or decrease  
15 existing state support.

16           (12) One-half of one percent of the fund shall be  
17 allocated to the Department of Rehabilitation Services for  
18 distribution to one or more of the following:

19           a. Early intervention services for children from  
20 birth through age three and services for children who have  
21 traumatic brain injury.

22           b. Child death review teams pursuant to Article 5 of  
23 Chapter 16 of Title 26. The Department of Rehabilitation  
24 Services shall work in cooperation with the Department of  
25 Public Health to administer this paragraph.

1                   Section 2. This act shall become effective  
2 immediately upon its passage and approval by the Governor, or  
3 upon its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Ways and Means  
General Fund..... . . . . 15-MAR-12

Read for the second time and placed  
on the calendar with 1 substitute  
and..... . . . . 05-APR-12

Read for the third time and passed  
as amended..... . . . . 10-APR-12

Yeas 99, Nays 1, Abstains 1

Greg Pappas  
Clerk