

1 HB269
2 214706-1
3 By Representative Warren
4 RFD: Ways and Means General Fund
5 First Read: 03-FEB-22

8 SYNOPSIS: Under existing law, Children First Trust
9 Fund programs are required to be funded through a
10 separate appropriation in a separate act.

11 This bill would make an appropriation of
12 \$40,198,388 from the Children First Trust Fund for
13 the fiscal year ending September 30, 2023, to the
14 entities and for the purposes designated in Section
15 41-15B-2.2, Code of Alabama 1975.

16 This bill would provide for the deposit of
17 tobacco settlement revenues into the Children First
18 Trust Fund, would require the State Director of
19 Finance to notify each agency in writing of the
20 amount of each agency's anticipated allocation,
21 would require quarterly allocation to each agency,
22 and would condition allocations upon the receipt of
23 tobacco funds.

24 This bill would provide for the transfer to
25 the State General Fund during fiscal year 2023 that
26 portion of Children First Trust Fund receipts

1 currently allocated for the State Board of
2 Education.

3 This bill would make an appropriation of
4 \$52,239,843 from other tobacco settlement funds for
5 the fiscal year ending September 30, 2023.

6 This bill would also make a conditional
7 appropriation and allocation of any additional
8 tobacco revenue on recommendation of the Director
9 of Finance, the Chairman of the House Ways and
10 Means General Fund Committee and the Chairman of
11 the Senate Finance and Taxation-General Fund
12 Committee, and approval of the Governor.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 To make an appropriation of \$40,198,388 from the
19 Children First Trust Fund for the fiscal year ending September
20 30, 2023, to the entities and for the purposes designated in
21 Section 41-15B-2.2, Code of Alabama 1975; to provide for the
22 deposit of tobacco settlement revenues into the Children First
23 Trust Fund; to require written notification of anticipated
24 agency allocations by the State Director of Finance; to
25 require quarterly allocations; to condition allocations on
26 receipt of tobacco revenues; to provide for the transfer to
27 the State General Fund during fiscal year 2023 that portion of

1 Children First Trust Fund receipts currently allocated for the
2 State Board of Education; to make an appropriation of
3 \$52,239,843 from other tobacco settlement funds for the fiscal
4 year ending September 30, 2023; and to make a conditional
5 appropriation and allocation of additional tobacco revenues
6 upon the recommendation of the Director of Finance, the
7 Chairman of the House Ways and Means General Fund Committee
8 and the Chairman of the Senate Finance and Taxation-General
9 Fund Committee, and the approval of the Governor.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) There is hereby appropriated from the
12 Children First Trust Fund the sum of \$40,198,388 for the fis-
13 cal year ending September 30, 2023, to the entities and for
14 the purposes designated in Section 41-15B-2.2, Code of Alabama
15 1975 as follows, per the approved plan of investment for each
16 agency:

17	Alcoholic Beverage Control Board	426,500
18	Children's Trust Fund	2,415,288
19	Department of Forensic Sciences	494,309
20	Alabama Department of Human Resources	11,000,000
21	Juvenile Probation Services Fund	4,646,647
22	Alabama Medicaid Agency	1,643,289
23	Alabama Department of Mental Health	2,142,457
24	State Multiple Needs Children's Fund	4,358,550

1	Department of Public Health	4,717,267
2	Department of Rehabilitation Services	246,763
3	Department of Youth Services	8,107,318

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

9 (2) The Director of Finance shall notify each agency
10 and the Department of Early Childhood Education in writing
11 prior to September 1, 2022, of the dollar amount of the
12 allocation expected to be received by the agency from the
13 Children First Trust Fund in the fiscal year ending September
14 30, 2023.

15 (3) At the beginning of each quarter of the fiscal
16 year ending September 30, 2023, the respective agency shall be
17 allocated at least one-fourth of the total amount appropriated
18 and allocated to the agency for that fiscal year when tobacco
19 revenues are available for the respective agency. In the event
20 tobacco revenues are not available for the respective agency
21 until later in the fiscal year then the respective agency
22 shall be allocated an equal quarterly allotment for the
23 quarters that funds are available at the beginning of those
24 quarters. Such allocation shall be made and be available for
25 expenditure by the agency within five working days of the

1 commencement of the quarter. If additional sums are
2 appropriated or allocated, or both, during the fiscal year,
3 these sums shall be equally allocated to the respective agency
4 among the remaining quarters of the fiscal year or may be
5 allocated to the respective agency in one sum if revenues are
6 available. The Department of Early Childhood Education shall
7 be notified in writing of all appropriations and allocations
8 from the Children First Trust Fund by the Director of Finance.

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

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

14 (d) At the conclusion of the fiscal year, any
15 remaining sums in the Children First Trust Fund shall remain
16 in the fund and shall not revert to the General Fund or to any
17 other fund.

18 Section 2. Notwithstanding any provision of Division
19 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama
20 1975, any provision of Chapter 15B of Title 41, Code of
21 Alabama 1975, or any other provision of law, that portion of
22 Children First Trust Fund receipts currently allocated for the
23 State Board of Education shall be transferred from the
24 Children First Trust Fund to the State General Fund during the
25 fiscal year ending September 30, 2023.

26 Section 3. In addition to the appropriation herein
27 above made, there is hereby appropriated from additional to-

1 bacco settlement funds the sum of \$52,239,843 for the fiscal
2 year ending September 30, 2023 to the following entities:

3 Department of Early Childhood Education	500,000
4 21st Century Debt Service	16,000,000
5 Senior Services Trust Fund	1,413,775
6 Alabama Medicaid Agency	32,333,121
7 Department of Senior Services - Medicaid Waiver	1,992,947

8 Section 4. Any additional tobacco revenues available
9 for the fiscal year ending September 30, 2023, shall be
10 conditionally appropriated, conditioned upon the
11 recommendation of the Director of Finance, the Chairman of the
12 House Ways and Means General Fund Committee and the Chairman
13 of the Senate Finance and Taxation-General Fund Committee, and
14 approval of the Governor.

15 Section 5. The Executive Budget Office and the
16 Director of Finance shall allot funds appropriated from the
17 Children First Trust Fund only following the certification by
18 the Commissioner of the Department of Early Childhood
19 Education that a plan of investment has been approved for each
20 agency. The Commissioner of the Department of Early Childhood
21 Education shall prescribe the form and format on which each
22 agency receiving appropriated funds herein shall submit a plan
23 of investment of said appropriated funds. The plan of

1 investment shall include, but not be limited to, a minimum of
2 four (4) quality assurance items on which a periodic report,
3 as required by the approved plan of investment, is made and as
4 audited by the Examiners of Public Accounts. Quality assurance
5 items shall include the number of children receiving service,
6 an identifiable measure of success of services provided and a
7 prioritized standard of successful measures for future plans
8 of investment. It is the intent of the Legislature that the
9 Commissioner of the Department of Early Childhood Education
10 shall be responsible for providing a standard of measurement
11 by which a clear determination can be made through operational
12 reporting and audit reporting of a measurable success of funds
13 appropriated and invested from the Children First Trust Fund;
14 insure funds appropriated herein are invested in viable
15 programs; insure and promote the leverage of appropriated
16 funds herein in every possible manner and coordinated in all
17 possible ways the investment of funds by each service provider
18 to insure that no unproductive expenditures or duplication
19 occurs. The Commissioner of the Department of Early Childhood
20 Education shall notify legislators representing the area where
21 a grant from the Children First Trust Fund is designated. The
22 notification shall occur ten days before the funds reach the
23 recipient agency.

24 Section 6. The Commissioner of the Department of
25 Early Childhood Education shall report each approved plan of
26 investment to the Joint Interim Legislative Oversight
27 Committee and the Alabama Children's Policy Council. The

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

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

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