

1 HB331  
2 209119-2  
3 By Representative Warren  
4 RFD: Ways and Means General Fund  
5 First Read: 04-FEB-21

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ENROLLED, An Act,

To make an appropriation of \$40,368,723 from the Children First Trust Fund for the fiscal year ending September 30, 2022, 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 2022 that portion of Children First Trust Fund receipts currently allocated for the State Board of Education; to make an appropriation of \$47,110,312 from other tobacco settlement funds for the fiscal year ending September 30, 2022; 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 \$40,368,723 for the fiscal year ending September 30, 2022, 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	426,500
5	Children's Trust Fund	2,415,288
6	Department of Forensic Sciences	494,309
7	Alabama Department of Human Resources	11,000,000
8	Juvenile Probation Services Fund	4,646,647
9	Alabama Medicaid Agency	1,823,921
10	Alabama Department of Mental Health	2,142,457
11	State Multiple Needs Children's Fund	4,354,550
12	Department of Public Health	4,710,970
13	Department of Rehabilitation Services	246,763
14	Department of Youth Services	8,107,318

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 Early Childhood Education in writing

1 prior to September 1, 2021, of the dollar amount of the  
2 allocation expected to be received by the agency from the  
3 Children First Trust Fund in the fiscal year ending September  
4 30, 2022.

5 (3) At the beginning of each quarter of the fiscal  
6 year ending September 30, 2022, the respective agency shall be  
7 allocated at least one-fourth of the total amount appropriated  
8 and allocated to the agency for that fiscal year when tobacco  
9 revenues are available for the respective agency. In the event  
10 tobacco revenues are not available for the respective agency  
11 until later in the fiscal year then the respective agency  
12 shall be allocated an equal quarterly allotment for the  
13 quarters that funds are available at the beginning of those  
14 quarters. Such allocation shall be made and be available for  
15 expenditure by the agency within five working days of the  
16 commencement of the quarter. If additional sums are  
17 appropriated or allocated, or both, during the fiscal year,  
18 these sums shall be equally allocated to the respective agency  
19 among the remaining quarters of the fiscal year or may be  
20 allocated to the respective agency in one sum if revenues are  
21 available. The Department of Early Childhood Education shall  
22 be notified in writing of all appropriations and allocations  
23 from the Children First Trust Fund by the Director of Finance.

24 (4) Allocations from the Children First Trust Fund  
25 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.

8           Section 2. Notwithstanding any provision of Division  
9 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama  
10 1975, any provision of Chapter 15B of Title 41, Code of  
11 Alabama 1975, or any other provision of law, that portion of  
12 Children First Trust Fund receipts currently allocated for the  
13 State Board of Education shall be transferred from the  
14 Children First Trust Fund to the State General Fund during the  
15 fiscal year ending September 30, 2022.

16           Section 3. In addition to the appropriation herein  
17 above made, there is hereby appropriated from additional to-  
18 bacco settlement funds the sum of \$47,110,312 for the fiscal  
19 year ending September 30, 2022 to the following entities:

20           Department of Early Childhood Education	395,204
21           21st Century Debt Service	16,000,000
22           Senior Services Trust Fund	1,425,727
23           Alabama Medicaid Agency	27,296,434

1 Department of Senior Services - Medicaid Waiver 1,992,947

2 Section 4. Any additional tobacco revenues available  
3 for the fiscal year ending September 30, 2022, 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 Early Childhood  
13 Education that a plan of investment has been approved for each  
14 agency. The Commissioner of the Department of Early Childhood  
15 Education shall prescribe the form and format on which each  
16 agency receiving appropriated funds herein shall submit a plan  
17 of investment of said appropriated funds. The plan of  
18 investment shall include, but not be limited to, a minimum of  
19 four (4) quality assurance items on which a periodic report,  
20 as required by the approved plan of investment, is made and as  
21 audited by the Examiners of Public Accounts. Quality assurance  
22 items shall include the number of children receiving service,  
23 an identifiable measure of success of services provided and a  
24 prioritized standard of successful measures for future plans

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

17 Section 6. The Commissioner of the Department of  
18 Early Childhood Education 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.



