

HB127 ENROLLED



1 HWGM33-2
2 By Representative Warren
3 RFD: Ways and Means General Fund
4 First Read: 21-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 To make an appropriation of \$39,097,848 from
5 the Children First Trust Fund for the fiscal year ending
6 September 30, 2024, to the entities and for the purposes
7 designated in Section 41-15B-2.2, Code of Alabama 1975; to
8 provide for the deposit of tobacco settlement revenues into
9 the Children First Trust Fund; to require written notification
10 of anticipated agency allocations by the State Director of
11 Finance; to require quarterly allocations; to condition
12 allocations on receipt of tobacco revenues; to provide for the
13 transfer to the State General Fund during fiscal year 2024
14 that portion of Children First Trust Fund receipts currently
15 allocated for the State Board of Education; to make an
16 appropriation of \$50,511,261 from other tobacco settlement
17 funds for the fiscal year ending September 30, 2024; and to
18 make a conditional appropriation and allocation of additional
19 tobacco revenues upon the recommendation of the Director of
20 Finance, the Chairman of the House Ways and Means General Fund
21 Committee and the Chairman of the Senate Finance and
22 Taxation-General Fund Committee, and the approval of the
23 Governor.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) There is hereby appropriated from the
26 Children First Trust Fund the sum of \$39,097,848 for the
27 fiscal year ending September 30, 2024, to the entities and for
28 the purposes designated in Section 41-15B-2.2, Code of Alabama



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29 1975 as follows, per the approved plan of investment for each
30 agency:

31	Alcoholic Beverage Control Board	426,500
32	Children's Trust Fund	2,415,288
33	Department of Forensic Sciences	494,309
34	Alabama Department of Human Resources	9,871,073
35	Juvenile Probation Services Fund	4,646,647
36	Alabama Medicaid Agency	1,643,289
37	Alabama Department of Mental Health	2,142,457
38	State Multiple Needs Children's Fund	4,358,550
39	Department of Public Health	4,745,654
40	Department of Rehabilitation Services	246,763
41	Department of Youth Services	8,107,318

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

47 (2) The Director of Finance shall notify each agency
48 and the Department of Early Childhood Education in writing
49 prior to September 1, 2023, of the dollar amount of the
50 allocation expected to be received by the agency from the
51 Children First Trust Fund in the fiscal year ending September
52 30, 2024.

53 (3) At the beginning of each quarter of the fiscal year
54 ending September 30, 2024, the respective agency shall be
55 allocated at least one-fourth of the total amount appropriated
56 and allocated to the agency for that fiscal year when tobacco



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57 revenues are available for the respective agency. In the event
58 tobacco revenues are not available for the respective agency
59 until later in the fiscal year then the respective agency
60 shall be allocated an equal quarterly allotment for the
61 quarters that funds are available at the beginning of those
62 quarters. Such allocation shall be made and be available for
63 expenditure by the agency within five working days of the
64 commencement of the quarter. If additional sums are
65 appropriated or allocated, or both, during the fiscal year,
66 these sums shall be equally allocated to the respective agency
67 among the remaining quarters of the fiscal year or may be
68 allocated to the respective agency in one sum if revenues are
69 available. The Department of Early Childhood Education shall
70 be notified in writing of all appropriations and allocations
71 from the Children First Trust Fund by the Director of Finance.

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

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

77 (d) At the conclusion of the fiscal year, any remaining
78 sums in the Children First Trust Fund shall remain in the fund
79 and shall not revert to the State General Fund or to any other
80 fund.

81 Section 2. Notwithstanding any provision of Division 1
82 of Article 17 of Chapter 10 of Title 41, Code of Alabama 1975,
83 any provision of Chapter 15B of Title 41, Code of Alabama
84 1975, or any other provision of law, that portion of Children



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85 First Trust Fund receipts currently allocated for the State
86 Board of Education shall be transferred from the Children
87 First Trust Fund to the State General Fund during the fiscal
88 year ending September 30, 2024.

89 Section 3. In addition to the appropriation herein
90 above made, there is hereby appropriated from additional
91 tobacco settlement funds the sum of \$50,511,261 for the fiscal
92 year ending September 30, 2024 to the following entities:

93 Department of Early Childhood Education	500,000
94 21st Century Debt Service	16,000,000
95 Senior Services Trust Fund	1,536,309
96 Alabama Medicaid Agency	30,482,005
97 Department of Senior Services - Medicaid Waiver	1,992,947

98 Section 4. Any additional tobacco revenues available for
99 the fiscal year ending September 30, 2024, shall be
100 conditionally appropriated, conditioned upon the
101 recommendation of the Director of Finance, the Chairman of the
102 House Ways and Means General Fund Committee and the Chairman
103 of the Senate Finance and Taxation-General Fund Committee, and
104 approval of the Governor.

105 Section 5. The Executive Budget Office and the Director
106 of Finance shall allot funds appropriated from the Children
107 First Trust Fund only following the certification by the
108 Secretary of the Department of Early Childhood Education that
109 a plan of investment has been approved for each agency. The
110 Secretary of the Department of Early Childhood Education shall
111 prescribe the form and format on which each agency receiving
112 appropriated funds herein shall submit a plan of investment of



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113 said appropriated funds. The plan of investment shall include,
114 but not be limited to, a minimum of four (4) quality assurance
115 items on which a periodic report, as required by the approved
116 plan of investment, is made and as audited by the Examiners of
117 Public Accounts. Quality assurance items shall include the
118 number of children receiving service, an identifiable measure
119 of success of services provided and a prioritized standard of
120 successful measures for future plans of investment. It is the
121 intent of the Legislature that the Secretary of the Department
122 of Early Childhood Education shall be responsible for
123 providing a standard of measurement by which a clear
124 determination can be made through operational reporting and
125 audit reporting of a measurable success of funds appropriated
126 and invested from the Children First Trust Fund; insure funds
127 appropriated herein are invested in viable programs; insure
128 and promote the leverage of appropriated funds herein in every
129 possible manner and coordinated in all possible ways the
130 investment of funds by each service provider to insure that no
131 unproductive expenditures or duplication occurs. The Secretary
132 of the Department of Early Childhood Education shall notify
133 legislators representing the area where a grant from the
134 Children First Trust Fund is designated. The notification
135 shall occur ten days before the funds reach the recipient
136 agency.

137 Section 6. The Secretary of the Department of Early
138 Childhood Education shall report each approved plan of
139 investment to the Joint Interim Legislative Oversight
140 Committee and the Alabama Children's Policy Council. The



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141 Secretary, upon the request of the service agency, may approve
142 an adjusted plan of investment. It is the intent of the
143 Legislature that funds appropriated from the Children First
144 Trust Fund be directed to meet the most immediate needs of
145 children as changing conditions may develop.

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

149 Section 8. This act shall become effective immediately
150 upon its passage and approval by the Governor, or upon its
151 otherwise becoming a law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-Apr-23.

John Treadwell
Clerk

Senate

25-May-23

Passed