

HB127 INTRODUCED



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

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

This bill would make an appropriation of \$39,097,848 from the Children First Trust Fund for the fiscal year ending September 30, 2024, to the entities and for the purposes designated in Section 41-15B-2.2, Code of Alabama 1975.

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

This bill would provide for the transfer to the State General Fund during fiscal year 2024 that portion of Children First Trust Fund receipts currently allocated for the State Board of Education.

This bill would make an appropriation of \$50,511,261 from other tobacco settlement funds for the fiscal year ending September 30, 2024.

This bill would also make a conditional appropriation and allocation of any additional tobacco

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29 revenue on recommendation of the Director of Finance,
30 the Chairman of the House Ways and Means General Fund
31 Committee and the Chairman of the Senate Finance and
32 Taxation-General Fund Committee, and approval of the
33 Governor.

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A BILL

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TO BE ENTITLED

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AN ACT

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40 To make an appropriation of \$39,097,848 from the
41 Children First Trust Fund for the fiscal year ending September
42 30, 2024, to the entities and for the purposes designated in
43 Section 41-15B-2.2, Code of Alabama 1975; to provide for the
44 deposit of tobacco settlement revenues into the Children First
45 Trust Fund; to require written notification of anticipated
46 agency allocations by the State Director of Finance; to
47 require quarterly allocations; to condition allocations on
48 receipt of tobacco revenues; to provide for the transfer to
49 the State General Fund during fiscal year 2024 that portion of
50 Children First Trust Fund receipts currently allocated for the
51 State Board of Education; to make an appropriation of
52 \$50,511,261 from other tobacco settlement funds for the fiscal
53 year ending September 30, 2024; and to make a conditional
54 appropriation and allocation of additional tobacco revenues
55 upon the recommendation of the Director of Finance, the
56 Chairman of the House Ways and Means General Fund Committee

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57 and the Chairman of the Senate Finance and Taxation-General
58 Fund Committee, and the approval of the Governor.

59 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

60 Section 1. (a) There is hereby appropriated from the
61 Children First Trust Fund the sum of \$39,097,848 for the
62 fiscal year ending September 30, 2024, to the entities and for
63 the purposes designated in Section 41-15B-2.2, Code of Alabama
64 1975 as follows, per the approved plan of investment for each
65 agency:

66	Alcoholic Beverage Control Board	426,500
67	Children's Trust Fund	2,415,288
68	Department of Forensic Sciences	494,309
69	Alabama Department of Human Resources	9,871,073
70	Juvenile Probation Services Fund	4,646,647
71	Alabama Medicaid Agency	1,643,289
72	Alabama Department of Mental Health	2,142,457
73	State Multiple Needs Children's Fund	4,358,550
74	Department of Public Health	4,745,654
75	Department of Rehabilitation Services	246,763
76	Department of Youth Services	8,107,318

77 (b) (1) All tobacco revenues from the tobacco
78 settlement received by the state previously designated for the
79 Children First Trust Fund shall be deposited to the Children
80 First Trust Fund within 30 calendar days of receipt of those
81 tobacco revenues.

82 (2) The Director of Finance shall notify each agency
83 and the Department of Early Childhood Education in writing
84 prior to September 1, 2023, of the dollar amount of the

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85 allocation expected to be received by the agency from the
86 Children First Trust Fund in the fiscal year ending September
87 30, 2024.

88 (3) At the beginning of each quarter of the fiscal year
89 ending September 30, 2024, the respective agency shall be
90 allocated at least one-fourth of the total amount appropriated
91 and allocated to the agency for that fiscal year when tobacco
92 revenues are available for the respective agency. In the event
93 tobacco revenues are not available for the respective agency
94 until later in the fiscal year then the respective agency
95 shall be allocated an equal quarterly allotment for the
96 quarters that funds are available at the beginning of those
97 quarters. Such allocation shall be made and be available for
98 expenditure by the agency within five working days of the
99 commencement of the quarter. If additional sums are
100 appropriated or allocated, or both, during the fiscal year,
101 these sums shall be equally allocated to the respective agency
102 among the remaining quarters of the fiscal year or may be
103 allocated to the respective agency in one sum if revenues are
104 available. The Department of Early Childhood Education shall
105 be notified in writing of all appropriations and allocations
106 from the Children First Trust Fund by the Director of Finance.

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

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

112 (d) At the conclusion of the fiscal year, any remaining

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113 sums in the Children First Trust Fund shall remain in the fund
 114 and shall not revert to the State General Fund or to any other
 115 fund.

116 Section 2. Notwithstanding any provision of Division 1
 117 of Article 17 of Chapter 10 of Title 41, Code of Alabama 1975,
 118 any provision of Chapter 15B of Title 41, Code of Alabama
 119 1975, or any other provision of law, that portion of Children
 120 First Trust Fund receipts currently allocated for the State
 121 Board of Education shall be transferred from the Children
 122 First Trust Fund to the State General Fund during the fiscal
 123 year ending September 30, 2024.

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

128	Department of Early Childhood Education	500,000
129	21st Century Debt Service	16,000,000
130	Senior Services Trust Fund	1,536,309
131	Alabama Medicaid Agency	30,482,005
132	Department of Senior Services - Medicaid Waiver	1,992,947

133 Section 4. Any additional tobacco revenues available for
 134 the fiscal year ending September 30, 2024, shall be
 135 conditionally appropriated, conditioned upon the
 136 recommendation of the Director of Finance, the Chairman of the
 137 House Ways and Means General Fund Committee and the Chairman
 138 of the Senate Finance and Taxation-General Fund Committee, and
 139 approval of the Governor.

140 Section 5. The Executive Budget Office and the Director

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141 of Finance shall allot funds appropriated from the Children
142 First Trust Fund only following the certification by the
143 Secretary of the Department of Early Childhood Education that
144 a plan of investment has been approved for each agency. The
145 Secretary of the Department of Early Childhood Education shall
146 prescribe the form and format on which each agency receiving
147 appropriated funds herein shall submit a plan of investment of
148 said appropriated funds. The plan of investment shall include,
149 but not be limited to, a minimum of four (4) quality assurance
150 items on which a periodic report, as required by the approved
151 plan of investment, is made and as audited by the Examiners of
152 Public Accounts. Quality assurance items shall include the
153 number of children receiving service, an identifiable measure
154 of success of services provided and a prioritized standard of
155 successful measures for future plans of investment. It is the
156 intent of the Legislature that the Secretary of the Department
157 of Early Childhood Education shall be responsible for
158 providing a standard of measurement by which a clear
159 determination can be made through operational reporting and
160 audit reporting of a measurable success of funds appropriated
161 and invested from the Children First Trust Fund; insure funds
162 appropriated herein are invested in viable programs; insure
163 and promote the leverage of appropriated funds herein in every
164 possible manner and coordinated in all possible ways the
165 investment of funds by each service provider to insure that no
166 unproductive expenditures or duplication occurs. The Secretary
167 of the Department of Early Childhood Education shall notify
168 legislators representing the area where a grant from the

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169 Children First Trust Fund is designated. The notification
170 shall occur ten days before the funds reach the recipient
171 agency.

172 Section 6. The Secretary of the Department of Early
173 Childhood Education shall report each approved plan of
174 investment to the Joint Interim Legislative Oversight
175 Committee and the Alabama Children's Policy Council. The
176 Secretary, upon the request of the service agency, may approve
177 an adjusted plan of investment. It is the intent of the
178 Legislature that funds appropriated from the Children First
179 Trust Fund be directed to meet the most immediate needs of
180 children as changing conditions may develop.

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

184 Section 8. This act shall become effective immediately
185 upon its passage and approval by the Governor, or upon its
186 otherwise becoming a law.