

1 SB107
2 214706-2
3 By Senator Albritton
4 RFD: Finance and Taxation General Fund
5 First Read: 18-JAN-22

1 SB107

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4 ENROLLED, An Act,

5 To make an appropriation of \$40,198,388 from the
6 Children First Trust Fund for the fiscal year ending September
7 30, 2023, to the entities and for the purposes designated in
8 Section 41-15B-2.2, Code of Alabama 1975; to provide for the
9 deposit of tobacco settlement revenues into the Children First
10 Trust Fund; to require written notification of anticipated
11 agency allocations by the State Director of Finance; to
12 require quarterly allocations; to condition allocations on
13 receipt of tobacco revenues; to provide for the transfer to
14 the State General Fund during fiscal year 2023 that portion of
15 Children First Trust Fund receipts currently allocated for the
16 State Board of Education; to make an appropriation of
17 \$52,239,843 from other tobacco settlement funds for the fiscal
18 year ending September 30, 2023; and to make a conditional
19 appropriation and allocation of additional tobacco revenues
20 upon the recommendation of the Director of Finance, the
21 Chairman of the House Ways and Means General Fund Committee
22 and the Chairman of the Senate Finance and Taxation-General
23 Fund Committee, and the approval of the Governor.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There is hereby appropriated from the
 2 Children First Trust Fund the sum of \$40,198,388 for the fis-
 3 cal year ending September 30, 2023, to the entities and for
 4 the purposes designated in Section 41-15B-2.2, Code of Alabama
 5 1975 as follows, per the approved plan of investment for each
 6 agency:

7	Alcoholic Beverage Control Board	426,500
8	Children's Trust Fund	2,415,288
9	Department of Forensic Sciences	494,309
10	Alabama Department of Human Resources	11,000,000
11	Juvenile Probation Services Fund	4,646,647
12	Alabama Medicaid Agency	1,643,289
13	Alabama Department of Mental Health	2,142,457
14	State Multiple Needs Children's Fund	4,358,550
15	Department of Public Health	4,717,267
16	Department of Rehabilitation Services	246,763
17	Department of Youth Services	8,107,318

18 (b) (1) All tobacco revenues from the tobacco
 19 settlement received by the state previously designated for the
 20 Children First Trust Fund shall be deposited to the Children

1 First Trust Fund within 30 calendar days of receipt of those
2 tobacco revenues.

3 (2) The Director of Finance shall notify each agency
4 and the Department of Early Childhood Education in writing
5 prior to September 1, 2022, of the dollar amount of the
6 allocation expected to be received by the agency from the
7 Children First Trust Fund in the fiscal year ending September
8 30, 2023.

9 (3) At the beginning of each quarter of the fiscal
10 year ending September 30, 2023, the respective agency shall be
11 allocated at least one-fourth of the total amount appropriated
12 and allocated to the agency for that fiscal year when tobacco
13 revenues are available for the respective agency. In the event
14 tobacco revenues are not available for the respective agency
15 until later in the fiscal year then the respective agency
16 shall be allocated an equal quarterly allotment for the
17 quarters that funds are available at the beginning of those
18 quarters. Such allocation shall be made and be available for
19 expenditure by the agency within five working days of the
20 commencement of the quarter. If additional sums are
21 appropriated or allocated, or both, during the fiscal year,
22 these sums shall be equally allocated to the respective agency
23 among the remaining quarters of the fiscal year or may be
24 allocated to the respective agency in one sum if revenues are
25 available. The Department of Early Childhood Education shall

1 be notified in writing of all appropriations and allocations
2 from the Children First Trust Fund by the Director of Finance.

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

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

8 (d) At the conclusion of the fiscal year, any
9 remaining sums in the Children First Trust Fund shall remain
10 in the fund and shall not revert to the General Fund or to any
11 other fund.

12 Section 2. Notwithstanding any provision of Division
13 1 of Article 17 of Chapter 10 of Title 41, Code of Alabama
14 1975, any provision of Chapter 15B of Title 41, Code of
15 Alabama 1975, or any other provision of law, that portion of
16 Children First Trust Fund receipts currently allocated for the
17 State Board of Education shall be transferred from the
18 Children First Trust Fund to the State General Fund during the
19 fiscal year ending September 30, 2023.

20 Section 3. In addition to the appropriation herein
21 above made, there is hereby appropriated from additional to-
22 bacco settlement funds the sum of \$52,239,843 for the fiscal
23 year ending September 30, 2023 to the following entities:

1	Department of Early Childhood Education	500,000
2	21st Century Debt Service	16,000,000
3	Senior Services Trust Fund	1,413,775
4	Alabama Medicaid Agency	32,333,121
5	Department of Senior Services - Medicaid Waiver	1,992,947

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

13 Section 5. The Executive Budget Office and the
14 Director of Finance shall allot funds appropriated from the
15 Children First Trust Fund only following the certification by
16 the Commissioner of the Department of Early Childhood
17 Education that a plan of investment has been approved for each
18 agency. The Commissioner of the Department of Early Childhood
19 Education shall prescribe the form and format on which each
20 agency receiving appropriated funds herein shall submit a plan
21 of investment of said appropriated funds. The plan of
22 investment shall include, but not be limited to, a minimum of
23 four (4) quality assurance items on which a periodic report,

1 as required by the approved plan of investment, is made and as
2 audited by the Examiners of Public Accounts. Quality assurance
3 items shall include the number of children receiving service,
4 an identifiable measure of success of services provided and a
5 prioritized standard of successful measures for future plans
6 of investment. It is the intent of the Legislature that the
7 Commissioner of the Department of Early Childhood Education
8 shall be responsible for providing a standard of measurement
9 by which a clear determination can be made through operational
10 reporting and audit reporting of a measurable success of funds
11 appropriated and invested from the Children First Trust Fund;
12 insure funds appropriated herein are invested in viable
13 programs; insure and promote the leverage of appropriated
14 funds herein in every possible manner and coordinated in all
15 possible ways the investment of funds by each service provider
16 to insure that no unproductive expenditures or duplication
17 occurs. The Commissioner of the Department of Early Childhood
18 Education shall notify legislators representing the area where
19 a grant from the Children First Trust Fund is designated. The
20 notification shall occur ten days before the funds reach the
21 recipient agency.

22 Section 6. The Commissioner of the Department of
23 Early Childhood Education shall report each approved plan of
24 investment to the Joint Interim Legislative Oversight
25 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.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB107

Senate 24-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 15-MAR-22

By: Senator Albritton