

1 SB177
2 189426-3
3 By Senator Pittman
4 RFD: Finance and Taxation General Fund
5 First Read: 16-JAN-18



SB177

ENROLLED, An Act,

To make an appropriation of \$38,460,473 from the Children First Trust Fund for the fiscal year ending September 30, 2019, 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 2019 that portion of Children First Trust Fund receipts currently allocated for the State Board of Education; to make an appropriation of \$47,788,069 from other tobacco settlement funds for the fiscal year ending September 30, 2019; 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 \$38,460,473 for the fiscal year ending September 30, 2019, to the entities and for the purposes designated in Section 41-15B-2.2, Code of Alabama 1975 as follows, per the approved plan of investment for each agency:

Alcoholic Beverage Control Board	426,500
Children's Trust Fund	2,487,003
Department of Forensic Sciences	511,752
Alabama Department of Human Resources	9,700,000
Juvenile Probation Services Fund	4,646,647
Alabama Medicaid Agency	1,685,236
Alabama Department of Mental Health	2,142,457
State Multiple Needs Children's Fund	3,845,739
Department of Public Health	4,661,058
Department of Rehabilitation Services	246,763
Department of Youth Services	8,107,318

(b) (1) All tobacco revenues from the tobacco settlement received by the state previously designated for the 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 Children's Affairs in writing prior to
5 September 1, 2018, of the dollar amount of the allocation
6 expected to be received by the agency from the Children First
7 Trust Fund in the fiscal year ending September 30, 2019.

8 (3) At the beginning of each quarter of the fiscal
9 year ending September 30, 2019, the respective agency shall be
10 allocated at least one-fourth of the total amount appropriated
11 and allocated to the agency for that fiscal year when tobacco
12 revenues are available for the respective agency. In the event
13 tobacco revenues are not available for the respective agency
14 until later in the fiscal year then the respective agency
15 shall be allocated an equal quarterly allotment for the
16 quarters that funds are available at the beginning of those
17 quarters. Such allocation shall be made and be available for
18 expenditure by the agency within five working days of the
19 commencement of the quarter. If additional sums are
20 appropriated or allocated, or both, during the fiscal year,
21 these sums shall be equally allocated to the respective agency
22 among the remaining quarters of the fiscal year or may be
23 allocated to the respective agency in one sum if revenues are
24 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, 2019.

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 \$47,788,069 for the fiscal
23 year ending September 30, 2019 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	1,393,862
4	Alabama Medicaid Agency	27,901,260
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, 2019, 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

SB177
Senate 20-FEB-18
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 13-MAR-18

By: Senator Pittman

APPROVED 3/20/18
TIME 3:27pm


GOVERNOR

Alabama Secretary Of State

Act Num.....: 2018-264
Bill Num....: S-177

PATRICK HARRIS.

JEFF WOODARD,
Clerk

SENATE ACTION

DATE: 1-16 2018
RD 1 RFD F+TG

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

This Bill was referred to the Standing Committee of the Senate on F+TG

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amd(s) _____ w/sub _____ w/leng sub _____
years 15 days 0 abstain 0
this 14th day of February, 2018
Patrick Harris, Chairperson

DATE: 2-15 2018
RF FAY RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 177.
years 28 days 0 abstain 0

PATRICK HARRIS,
Secretary

DATE: 2-20 -18 RD 3 at length
PASSED ☒ PASSED AS AMENDED ☐
years 28 days 0 abstain 0

HOUSE ACTION

DATE: 2-20 2018
RD 1 RFD WJMGF

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on _____

was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed,

w/amd(s) _____ w/sub _____
this 14th day of MARCH, 2018.
Steve Benson, Chairperson

DATE: 3-8 2018
RF _____ RD 2 CAL

DATE: _____ 20____
RE-REFERRED ☐ RE-COMMITTED ☐
COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 177.
years 28 days 0 abstain 0