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Judge Rules State of California Acted Unlawfully

Fresno, CA – November 28, 2011 - Judge Debra Kazanjian issued a ruling saying State leaders acted illegally when they attempted to take \$1 billion from the California Children’s Trust Fund administered by First 5 County Commissions.

“This is a huge win for California voters and our children,” said Susan Anderson, Chair of First 5 Fresno County’s Commission. “Fresno now gets to keep the nearly \$17 million it would have been required to transfer to the State and that’s money our children desperately need.” In Merced and Madera, the loss would’ve been about \$3 million per county.

First 5 Commissions of Fresno, Merced, and Madera, joined by seven other counties, filed suit against the State in response to its passage of AB 99 in April 2011. The case was heard in Fresno County. AB 99 authorized the raiding of the Children’s Trust Fund which comes from a tobacco tax and is administered by First 5 Commissions.

Judge Kazanjian ruled, “the entire bill is invalid.” She also said, “To claim that transferring decision-making from local communities to the state legislature is ‘consistent with’ Prop 10 is like asking the court to find that black means white.”

The State argued AB99 was necessary in addressing the budget crisis, but Judge Kazanjian ruled, “that argument is disingenuous in that it was the legislature that ‘chose’ to cut funding to existing services instead of taking what might be an unpopular step of raising revenue.”

In 1998, California voters passed Proposition 10 which taxed tobacco products. First 5 Commissions were charged with dispersing the funds in each county to fund non-existing critical health and educational services that help to ensure children from the prenatal stage to age five will enter school ready to learn. The funding targets prevention-focused programs that reduce costs related to special education and other expensive state and county services.

Since it was passed in 1998, there have been two attempts to gut Proposition 10 and both times voters have sided with keeping First 5 agencies and their funding intact. The last effort, in the 2009 special election, 66% of the voters in Fresno County rejected Proposition 1D, a ballot measure to divert Proposition 10 funds to the State.

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First 5 Commissions focus on the first 5 years of life. We fund programs and services that help to ensure all children will enter school ready to learn. For more information, please visit www.first5fresno.org, www.first5madera.net, or www.first5mercedcounty.org.