

1 SB175  
2 216041-3  
3 By Senator Orr  
4 RFD: Finance and Taxation Education  
5 First Read: 02-FEB-22

1 SB175

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4 ENROLLED, An Act,

5 To amend Section 29-9-4, Code of Alabama, 1975,  
6 relating to the Education Trust Fund Advancement and  
7 Technology Fund, to allow funds to be appropriated for capital  
8 outlay expenses.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 29-9-4 Code of Alabama 1975, is  
11 hereby amended as follows:

12 "§29-9-4.

13 "There is hereby created in the State Treasury an  
14 Education Trust Fund Budget Stabilization Fund and an  
15 Education Trust Fund Advancement and Technology Fund. Any  
16 monetary interest which accrues in the Education Trust Fund  
17 Budget Stabilization Fund shall be retained in the fund from  
18 year to year and shall be subject only to the provisions of  
19 this chapter. On or before November 15 of each fiscal year, if  
20 the total revenues deposited into the Education Trust Fund  
21 during the immediately preceding fiscal year exceed the fiscal  
22 year appropriation cap for the immediately preceding fiscal  
23 year, the excess shall be transferred to the Education Trust  
24 Fund Rainy Day Account until the account has been repaid in  
25 full. If the account has been repaid in full, any excess

1 remaining shall be transferred to the Education Trust Fund  
2 Budget Stabilization Fund and the Education Trust Fund  
3 Advancement and Technology Fund created in this chapter. The  
4 transfers to the Education Trust Fund Budget Stabilization  
5 Fund and the Education Trust Fund Advancement and Technology  
6 Fund shall be made annually as follows:

7           "(a) Any excess remaining for the fiscal year ending  
8 September 30, 2015, up to two percent of the previous year's  
9 Education Trust Fund appropriations, shall be transferred to  
10 the Education Trust Fund Budget Stabilization Fund.

11 Thereafter, an amount up to one percent of the previous year's  
12 Education Trust Fund appropriations shall be transferred to  
13 the Education Trust Fund Budget Stabilization Fund annually  
14 until the fund reaches seven and one-half percent of the  
15 previous year's appropriations from the Education Trust Fund.

16           "(b) Funds in excess of those transferred in  
17 subsection (a) shall be transferred to the Education Trust  
18 Fund Advancement and Technology Fund each year. Amounts in the  
19 Education Trust Fund Advancement and Technology Fund shall be  
20 appropriated by and through an independent supplemental  
21 appropriation bill for the following nonrecurring expenses:  
22 Repairs or deferred maintenance of facilities for public  
23 education purposes in the state, capital outlay, for classroom  
24 instructional support as provided in Section 16-13-231(b)(2)c.  
25 and Section 16-13-231.3, for insuring facilities, for

1 transportation as provided in Section 16-13-233, for school  
2 security measures, and for the acquisition or purchase of  
3 education technology and equipment, or both. These funds,  
4 however, shall not be used as a pledge for the issuance or  
5 payment of debt service. No funds shall be appropriated until  
6 the balance of the Education Trust Fund Advancement and  
7 Technology Fund at the end of the previous fiscal year equals  
8 or exceeds \$10 million. Amounts in the Education Trust Fund  
9 Advancement and Technology Fund shall be budgeted and allotted  
10 in accordance with Sections 41-4-80 through 41-4-96 and  
11 Sections 41-19-1 through 41-19-12, but shall not be limited by  
12 the fiscal year appropriation cap.

13 "(c) The annual appropriation of these funds shall  
14 be divided between the public schools and institutions of  
15 higher education in the state in accordance with the  
16 percentage split between these two sectors of education as  
17 certified by the Legislative Services Agency, Fiscal Division  
18 at the end of the preceding fiscal year. Public schools shall  
19 be interpreted to include the Alabama School of Math and  
20 Science, the Alabama School of Fine Arts, the Alabama School  
21 of Cyber Technology and Engineering, the portion of the  
22 Alabama Institute for Deaf and Blind providing appropriate  
23 elementary/secondary instruction, and may include the  
24 Department of Youth Services School District."

1                   Section 2. This act shall become effective  
2           immediately upon its passage and approval by the Governor, or  
3           its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB175

Senate 17-FEB-22

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

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 08-MAR-22

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By: Senator Orr