



CE8EJJ-1 : 5/23/2023 : KHF
AMENDMENT TO SB101, AS ENGROSSED
1ST WAYS AND MEANS EDUCATION AMENDMENT TO SB101
OFFERED BY REPRESENTATIVE KIEL

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Replace line 11 on page 1 with the following:

the 2022 Regular Session, and Section 29-9-5,
Code of Alabama 1975, relating to the Education Trust
Fund

Replace line 17 on page 1 with the following:

funding and appropriations from the fund; to
revise the allowable uses of withdrawals from the
Budget Stabilization Fund to eliminate temporary loans
for repairs; and to repeal

Replace line 22 on page 1 with the following:

the 2022 Regular Session, and Section 29-9-5,
Code of Alabama 1975, are hereby amended to read as

Replace lines 314 through 315 on page 12 with the
following:

following purposes only: (1) to offset a
reduction in revenues to the Education Trust Fund that
could negatively impact funding for budgeted



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25 obligations from the Education Trust Fund for

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27 Replace lines 317 through 319 on page 12 with the
28 following:

29 Finance and the Legislative Fiscal Officer; (2)

30 to provide funding for unanticipated obligations, and

31 to sustain required programmatic increases for

32 existing obligations paid from the Education Trust

33 Fund in the event of a change in economic conditions;

34 (3) to provide funding to maintain prior year

35 appropriation levels, if the computation of the fiscal

36 year appropriation cap or secondary spending limit is

37 less than Education Trust Fund base appropriations for

38 the previous fiscal year, not to exceed the difference

39 between the two figures; and (4) for start

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41 Replace line 329 on page 12 with the following:

42 expenditures other than as specified in (2)

43 above. Provided, however, funds may be appropriated to

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45 After line 343 on page 13 insert the following:

46 "§29-9-5

47 ~~(a) Except as provided in Section 29-9-3 and in~~

48 ~~subdivision (b), amounts~~Amounts in the Education Trust



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49 Fund Budget Stabilization Fund may be withdrawn only
50 to prevent proration in the Education Trust Fund. The
51 Governor must certify to the state Comptroller and
52 notify the Legislature that proration would occur in
53 the Education Trust Fund before funds may be withdrawn
54 to prevent proration. Following the certification and
55 notification by the Governor, withdrawals may be made
56 from the Education Trust Fund Budget Stabilization
57 Fund to prevent proration; however, the withdrawals
58 shall be limited to the amount of the anticipated
59 proration and funds allotted only to the extent
60 necessary to avoid proration of appropriations from
61 the Education Trust Fund. Any funds withdrawn from the
62 Budget Stabilization Fund in excess of the amount
63 necessary to avoid proration shall be transferred back
64 to the Budget Stabilization Fund within 30 days after
65 the end of the fiscal year in which withdrawals are
66 made.

67 ~~(b) Amounts in the Education Trust Fund Budget~~
68 ~~Stabilization Fund may be withdrawn upon certification~~
69 ~~by the Governor that a natural disaster for which the~~
70 ~~Governor declared a state of emergency caused damage~~
71 ~~to public schools or institutions of higher education~~
72 ~~or both and funds are needed to provide emergency~~



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73 ~~temporary funding for repairs of the damages. The~~
74 ~~Governor must certify to the state Comptroller and~~
75 ~~notify the Legislature the amount of funds needed for~~
76 ~~emergency repairs before funds may be withdrawn and~~
77 ~~distributed to the impacted public school or~~
78 ~~institution of higher education. In certifying the~~
79 ~~amount of funds needed for emergency repairs, the~~
80 ~~Governor shall take into account any emergency funding~~
81 ~~provided to the impacted public school or institution~~
82 ~~of higher education by an insurance provider,~~
83 ~~including, but not limited to, the State Insurance~~
84 ~~Fund. Following the certification and notification by~~
85 ~~the Governor, withdrawals may be made from the~~
86 ~~Education Trust Fund Budget Stabilization Fund;~~
87 ~~however, withdrawals shall be limited to the amount~~
88 ~~necessary to provide emergency repairs and shall not~~
89 ~~exceed a total of 10 percent of the current balance of~~
90 ~~the fund, and at no time shall more than 10 percent of~~
91 ~~the total cumulative amount of revenues distributed to~~
92 ~~the Budget Stabilization Fund be outstanding. Any~~
93 ~~funds withdrawn from the Budget Stabilization Fund~~
94 ~~pursuant to this subsection must be repaid by the~~
95 ~~public school or institution of higher education~~
96 ~~receiving the funds as expeditiously as possible, but~~



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97 ~~no later than the conclusion of the second fiscal year~~
98 ~~of the state following withdrawal. The repayment shall~~
99 ~~be made from the first insurance settlement proceeds~~
100 ~~received by the public school or institution of higher~~
101 ~~education; provided, however, that if the insurance~~
102 ~~settlement proceeds received are less than the~~
103 ~~emergency repair funding received by the public school~~
104 ~~or institution of higher education, then the remaining~~
105 ~~repayment shall be made from any other funds available~~
106 ~~to the public school or institution of higher~~
107 ~~education. Any public school or institution of higher~~
108 ~~education that receives emergency repair funding~~
109 ~~pursuant to this subsection and fails to repay the~~
110 ~~amount received within the two-year period shall be~~
111 ~~ineligible to receive any additional emergency repair~~
112 ~~funding pursuant to this subsection or any~~
113 ~~appropriations from the Education Trust Fund~~
114 ~~Advancement and Technology Fund until such time as the~~
115 ~~funds are repaid. Any amount not repaid within the~~
116 ~~two-year period shall accrue interest at the rate of 8~~
117 ~~percent annually until the total amount, including~~
118 ~~accrued interest, is fully repaid."~~