

1 HB140
2 214711-1
3 By Representative Garrett
4 RFD: Ways and Means Education
5 First Read: 13-JAN-22

SYNOPSIS: This bill makes an appropriation of \$13,151,435 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2023; provides that the appropriation is subject to certain provisions of the Code of Alabama 1975; requires an operations plan and an audited financial statement prior to the release of any funds; and requires an end of year report.

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$13,151,435 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama for the support and maintenance of the educational program of the institution, for the fiscal year ending September 30, 2023; to provide that the appropriation is

1 subject to certain provisions of the Code of Alabama 1975; to
2 require an operations plan and an audited financial statement
3 prior to the release of any funds; and to require an end of
4 year report.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Tuskegee University has a unique
7 relationship to the State of Alabama. Due to the unique nature
8 of the circumstances related to the establishment and
9 development of Tuskegee Institute which differs from that of
10 private schools and colleges receiving funds from the state
11 and from the state's public colleges and universities, the
12 institution should be afforded a unique treatment relative to
13 funding from the Education Trust Fund. Tuskegee Institute was
14 established by an act of the Legislature in 1881 and
15 separately incorporated by an act of the Legislature in 1892;
16 the Governor appoints five commissioners who serve as voting
17 members on the Tuskegee Board; and the State Superintendent of
18 Education serves as an ex officio voting commissioner on the
19 Tuskegee Board. Tuskegee has received appropriations from the
20 Legislature since 1881. Being a private institution as well as
21 a state related and supported institution, it is deemed that
22 Tuskegee University should be funded accordingly and not as
23 the private schools and colleges nor as the state public
24 colleges and universities are funded.

25 Section 2. There is hereby appropriated the sum of
26 \$13,151,435 from the Education Trust Fund to Tuskegee
27 University in Tuskegee, Alabama for the support and

1 maintenance of the educational program of the institution, for
2 the fiscal year ending September 30, 2023. Of the above
3 appropriation, at least \$2,000,000 shall be expended for the
4 agricultural research and extension service state match.

5 Section 3. The above appropriation is made for the
6 support of public education in Alabama and for the support and
7 maintenance of the above program. The appropriation shall be
8 subject to the provisions, terms, conditions, and limitations
9 of the Budget and Financial Control Act, Section 41-4-80 et
10 seq., Code of Alabama 1975, the provisions of The Budget
11 Management Act of 1976, Section 41-19-1 et seq., Code of
12 Alabama 1975, and any other provisions of this act.

13 Section 4. (a) Prior to the release of any funds
14 appropriated under this act the following reports shall be
15 submitted:

16 (1) An operations plan for the fiscal year 2023,
17 including goals and measurable performance indicators, shall
18 be submitted to and approved by the Director of Finance, as
19 provided for state agencies in Section 41-19-10 of the Code of
20 Alabama 1975.

21 (2) An audited financial statement for all
22 operations during the fiscal year 2021.

23 (b) It is the intent that funds appropriated for
24 fiscal year 2023 shall be released by the Director of Finance
25 following receipt of the above reports.

26 (c) In addition, quarterly reports shall be made to
27 the Director of Finance relating actual expenditures and

1 accomplishments to planned expenditures and accomplishments.
2 An end of year performance report for the fiscal year 2023
3 shall be made to the Director of Finance stating the work
4 accomplished and the services provided and the costs of
5 accomplishing the work and providing the services, citing
6 meaningful measures of program effectiveness and costs, as is
7 required for state agencies in Section 41-19-11 of the Code of
8 Alabama 1975.

9 (d) The Director of Finance shall forward a copy of
10 all required reports to the Legislative Council in a timely
11 manner.

12 Section 5. This act shall become effective October
13 1, 2022.