

1 HB125  
2 147701-1  
3 By Representative Clouse  
4 RFD: Ways and Means General Fund  
5 First Read: 05-FEB-13

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8 SYNOPSIS: This bill would amend Section 41-15A-2 of  
9 the Code of Alabama 1975, to authorize the  
10 Comptroller to transmit funds from the Penny Trust  
11 Fund to the Department of Public Health upon the  
12 application of the State Health Officer and to the  
13 State Board of Education upon the application of  
14 the State Superintendent of Education; would  
15 clarify uses of the funds; would appropriate  
16 earnings from the Penny Trust Fund for the purposes  
17 authorized by Amendment 512 of the Constitution of  
18 Alabama of 1901; and would amend Section 41-15A-6  
19 of the Code of Alabama 1975, to define earnings and  
20 to modify the duties of the Board of Control of the  
21 Penny Trust Fund.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1 To amend Sections 41-15A-2 and 41-15A-6, Code of  
2 Alabama 1975, relating to the Penny Trust Fund; to authorize  
3 the Comptroller to transmit funds from the Penny Trust Fund to  
4 the Department of Public Health upon the application of the  
5 State Health Officer and to the State Board of Education upon  
6 the application of the State Superintendent of Education; to  
7 clarify uses of the funds; to appropriate earnings from the  
8 Penny Trust Fund for the purposes authorized by Amendment 512  
9 of the Constitution of Alabama of 1901; and to define earnings  
10 and to modify the duties of the Board of Control of the Penny  
11 Trust Fund.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 41-15A-2 and 41-15A-6, Code of  
14 Alabama 1975, are amended to read as follows:

15 "§41-15A-2.

16 "(a) Proceeds from the Penny Trust Fund which are  
17 dedicated for the promotion of the public health of children  
18 shall be transmitted ~~once annually~~ by the Comptroller to the  
19 Department of Public Health upon application of the State  
20 Health Officer and ~~divided as follows:~~ approval by the board.

21 "~~(1) Fifty percent for its programs to reduce infant~~  
22 ~~mortality and/or improve child health.~~

23 "~~(2) Fifty percent for its indigent health care~~  
24 ~~programs.~~

25 "(b) Proceeds from the Penny Trust Fund which are  
26 dedicated for the promotion of the public health of children  
27 in public schools shall be ~~disbursed only to those public~~

1 ~~school systems making grant applications to the board. The~~  
2 ~~state Comptroller shall transmit monies once annually~~  
3 ~~transmitted by the Comptroller to the State Board of Education~~  
4 ~~as certified by the secretary of the board to implement the~~  
5 ~~grants approved by the board. The monies shall then be~~  
6 ~~transmitted to the school system or systems for implementation~~  
7 ~~of the approved plan or plans upon application of the State~~  
8 ~~Superintendent of Education and approval by the board.~~

9 Revenues received by any school system from the Penny Trust  
10 Fund shall not replace or supplant any existing funds or  
11 programs from any other source, ~~but shall be expended only on~~  
12 ~~programs for disease prevention as contained in the plan~~  
13 ~~approved by the board.~~

14 "(c) There is appropriated from the Penny Trust Fund  
15 for any fiscal year accumulated earnings, available and not  
16 appropriated in any fiscal year 2012 and forward sufficient to  
17 fund all applications and proposals approved by the board and  
18 in the amount certified by the State Treasurer to the Director  
19 of Finance.

20 "§41-15A-6.

21 "(a) As used in this chapter, the following words  
22 shall have the following meanings, respectively:

23 "(1) BOARD. The Board of Control of the Penny Trust  
24 Fund, which shall consist of the following officials or their  
25 designees:

26 "a. The Governor.

27 "b. The State Treasurer.

1 "c. The State Health Officer.

2 "d. The State Superintendent of Education.

3 "e. The State Auditor.

4 "(2) EARNINGS. Ninety percent of the prior fiscal  
5 year's earnings of the Penny Trust Fund.

6 "~~(2) SCHOOL SYSTEM. Any county or city public school~~  
7 ~~system; the Alabama School for Deaf and Blind; the Alabama~~  
8 ~~School of Fine Arts; and the Alabama School of Mathematics and~~  
9 ~~Science.~~

10 "(b) The duties of the board shall include, but not  
11 necessarily be limited to, the following:

12 "(1) Elect a chairperson and a secretary of the  
13 board from among its membership. Service as the chairperson  
14 and secretary shall be for the term of service to which the  
15 individual was elected.

16 "~~(2) Accept applications from any school system~~  
17 ~~choosing to apply for grants from the Penny Trust Fund for use~~  
18 ~~in disease prevention programs in the public schools.~~

19 "~~(3) Award grants to school systems which, in the~~  
20 ~~exclusive judgment of the board, best utilize the funds to~~  
21 ~~prevent diseases in the children of the school system making~~  
22 ~~the grant application.~~

23 "~~(4) Decline grant applications from school systems~~  
24 ~~which, in the exclusive judgment of the board, do not~~  
25 ~~sufficiently advance disease prevention programs in the~~  
26 ~~children of the school system making the grant application.~~

1                   "~~(5) Award no grant applications if, in the~~  
2 ~~exclusive judgment of the board, no grant applications are~~  
3 ~~worthy of being awarded.~~

4                   "~~(6) Inform the State Superintendent of Education~~  
5 ~~which school systems are to receive funds and in those amounts~~  
6 ~~determined by the board.~~

7                   "~~(7)~~ (2) Review and approve the proposals by the  
8 governing authority of the Department of Public Health and the  
9 State Superintendent of Education for the expenditure of its  
10 portion of proceeds from the Penny Trust Fund and, if  
11 desirable, offer comments and suggestions on the expenditure  
12 of the funds.

13                   "(3) Develop and approve an investment policy.

14                   "(4) Notify the State Superintendent of Education  
15 and the State Health Officer once annually of the amount of  
16 funds eligible for payment from the Penny Trust Fund."

17                   Section 2. This act shall become effective January  
18 1, 2013.