

1 SB451
2 151915-1
3 By Senator Smitherman
4 RFD: Finance and Taxation Education
5 First Read: 16-APR-13

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8 SYNOPSIS: This bill would authorize the Comptroller to
9 transmit funds from the Penny Trust Fund to the
10 Department of Public Health upon the application of
11 the State Health Officer and to the State Board of
12 Education upon the application of the State
13 Superintendent of Education and would clarify uses
14 of the funds.

15 This bill would appropriate earnings from
16 the Penny Trust Fund for the purposes authorized by
17 Amendment 512 of the Constitution of Alabama of
18 1901.

19 This bill would define earnings and modify
20 the duties of the Board of Control of the Penny
21 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 shall be
18 transmitted ~~once annually~~ by the Comptroller to the Department
19 of Public Health for the Alabama Drug Assistance Program and
20 other similar programs upon application of the State Health
21 Officer and ~~divided as follows:~~ approval by the board.

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

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

26 "(b) Proceeds from the Penny Trust Fund which are
27 dedicated for the promotion of the public health of children

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

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

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

21 "§41-15A-6.

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

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

27 "a. The Governor.

1 "b. The State Treasurer.

2 "c. The State Health Officer.

3 "d. The State Superintendent of Education.

4 "e. The State Auditor.

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

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

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

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

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

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

24 ~~"(4) Decline grant applications from school systems~~
25 ~~which, in the exclusive judgment of the board, do not~~
26 ~~sufficiently advance disease prevention programs in the~~
27 ~~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, 2014.