

1 HB279
2 136402-1
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 09-FEB-12

2
3
4
5
6
7
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.