

1 HB83
2 155873-1
3 By Representative Hall
4 RFD: Ways and Means General Fund
5 First Read: 14-JAN-14
6 PFD: 01/06/2014

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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; to
20 expand membership on the board; and to modify the
21 duties of the Board of Control of the Penny Trust
22 Fund.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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 expand membership on the board;
8 to appropriate earnings from the Penny Trust Fund for the
9 purposes authorized by Amendment 512 of the Constitution of
10 Alabama of 1901; and to define earnings and to modify the
11 duties of the Board of Control of the Penny 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 2001 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 and the following representatives:

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 f. A member to be appointed by the Governor from one
6 of Alabama's historically black colleges and universities,
7 whose term on the board shall end when the appointing
8 Governor's term ends.

9 g. A member to be appointed by the Governor from a
10 non-profit health-related agency, organization or
11 health-related community action agency, whose term on the
12 board shall end when the appointing Governor's term ends.

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

15 ~~"(2) SCHOOL SYSTEM. Any county or city public school~~
16 ~~system; the Alabama School for Deaf and Blind; the Alabama~~
17 ~~School of Fine Arts; and the Alabama School of Mathematics and~~
18 ~~Science.~~

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

21 "(1) Elect a chairperson and a secretary of the
22 board from among its membership. Service as the chairperson
23 and secretary shall be for the term of service to which the
24 individual was elected.

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

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

5 ~~"(4) Decline grant applications from school systems~~
6 ~~which, in the exclusive judgment of the board, do not~~
7 ~~sufficiently advance disease prevention programs in the~~
8 ~~children of the school system making the grant application.~~

9 ~~"(5) Award no grant applications if, in the~~
10 ~~exclusive judgment of the board, no grant applications are~~
11 ~~worthy of being awarded.~~

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

15 ~~"(7)(2) Review and approve the proposals by the~~
16 ~~governing authority of the Department of Public Health and the~~
17 ~~State Superintendent of Education for the expenditure of its~~
18 ~~portion of proceeds from the Penny Trust Fund and, if~~
19 ~~desirable, offer comments and suggestions on the expenditure~~
20 ~~of the funds.~~

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

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

25 Section 2. This act shall become effective October
26 1, 2014.