

1 HB485  
2 150773-2  
3 By Representative Hall  
4 RFD: Ways and Means General Fund  
5 First Read: 20-MAR-13

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

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8 To amend Sections 41-15A-2 and 41-15A-6, Code of  
9 Alabama 1975, relating to the Penny Trust Fund; to authorize  
10 the Comptroller to transmit funds from the Penny Trust Fund to  
11 the Department of Public Health upon the application of the  
12 State Health Officer and to the State Board of Education upon  
13 the application of the State Superintendent of Education; to  
14 clarify uses of the funds; to expand membership on the board;  
15 to appropriate earnings from the Penny Trust Fund for the  
16 purposes authorized by Amendment 512 of the Constitution of  
17 Alabama of 1901; and to define earnings and to modify the  
18 duties of the Board of Control of the Penny Trust Fund.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "§41-15A-2.

23 "(a) Proceeds from the Penny Trust Fund which are  
24 dedicated for the promotion of the public health shall be  
25 transmitted ~~once annually~~ by the Comptroller to the Department  
26 of Public Health for the Alabama Drug Assistance Program and

1 other similar programs upon application of the State Health  
2 Officer and ~~divided as follows:~~ approval by the board.

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

5 ~~"(2) Fifty percent for its indigent health care~~  
6 ~~programs.~~

7 "(b) Proceeds from the Penny Trust Fund which are  
8 dedicated for the promotion of the public health of children  
9 in public schools shall be ~~disbursed only to those public~~  
10 ~~school systems making grant applications to the board. The~~  
11 ~~state Comptroller shall transmit monies once annually~~  
12 transmitted by the Comptroller to the State Board of Education  
13 ~~as certified by the secretary of the board to implement the~~  
14 ~~grants approved by the board. The monies shall then be~~  
15 ~~transmitted to the school system or systems for implementation~~  
16 ~~of the approved plan or plans~~ upon application of the State  
17 Superintendent of Education and approval by the board.

18 Revenues received by any school system from the Penny Trust  
19 Fund shall not replace or supplant any existing funds or  
20 programs from any other source, ~~but shall be expended only on~~  
21 ~~programs for disease prevention as contained in the plan~~  
22 ~~approved by the board.~~

23 "(c) There is appropriated from the Penny Trust Fund  
24 for any fiscal year accumulated earnings, available and not  
25 appropriated in any fiscal year 2012 and forward sufficient to  
26 fund all applications and proposals approved by the board and

1 in the amount certified by the State Treasurer to the Director  
2 of Finance.

3 "§41-15A-6.

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

6 "(1) BOARD. The Board of Control of the Penny Trust  
7 Fund, which shall consist of the following officials or their  
8 designees and the following representatives:

9 "a. The Governor.

10 "b. The State Treasurer.

11 "c. The State Health Officer.

12 "d. The State Superintendent of Education.

13 "e. The State Auditor.

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

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

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

24 "~~(2) SCHOOL SYSTEM. Any county or city public school~~  
25 ~~system; the Alabama School for Deaf and Blind; the Alabama~~  
26 ~~School of Fine Arts; and the Alabama School of Mathematics and~~  
27 ~~Science.~~

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

3           "(1) Elect a chairperson and a secretary of the  
4 board from among its membership. Service as the chairperson  
5 and secretary shall be for the term of service to which the  
6 individual was elected.

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

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

14           "~~(4) Decline grant applications from school systems~~  
15 ~~which, in the exclusive judgment of the board, do not~~  
16 ~~sufficiently advance disease prevention programs in the~~  
17 ~~children of the school system making the grant application.~~

18           "~~(5) Award no grant applications if, in the~~  
19 ~~exclusive judgment of the board, no grant applications are~~  
20 ~~worthy of being awarded.~~

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

24           "~~(7)~~ (2) Review and approve the proposals by the  
25 governing authority of the Department of Public Health and the  
26 State Superintendent of Education for the expenditure of its  
27 portion of proceeds from the Penny Trust Fund and, if

1 desirable, offer comments and suggestions on the expenditure  
2 of the funds.

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

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

7 Section 2. This act shall become effective January  
8 1, ~~2013~~ 2014.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Ways and Means  
General Fund..... . . . . . 20-MAR-13

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 04-APR-13

Read for the third time and passed  
as amended..... . . . . . 25-APR-13

Yeas 99, Nays 0, Abstains 0

Jeff Woodard  
Clerk