

PENNY TRUST FUND

AMENDMENT 512 RATIFIED

"Penny Trust Fund" Established for Promotion of Public Health and Public Schools.

(a) There shall be established and maintained the "penny trust fund" within the state treasury to promote the public health and the public schools. Citizens may make voluntary donations to the penny trust fund. All donations and funds received shall be held in perpetual trust and shall not be subject to legislative appropriation or otherwise expended.

(b) Earnings, including accrued interest and dividends, shall be retained in the penny trust fund, not subject to appropriation until the state treasurer certifies that sufficient moneys exist in the Fund or until the fiscal year which begins in 2000, whichever comes first; then and afterward, only 90 percent of the prior fiscal year's earnings to be subject to appropriation. Capital gains taken on the sale of any securities shall revert to the principal of the penny trust fund.

(c) Funds in the penny trust fund are to be managed and invested by the state treasurer who may receive funds from any source not prohibited by law.

(d) Fifty percent of the earnings subject to appropriation shall be dedicated to the programs and projects which promote the public health, and 50 percent dedicated to the public schools.

(e) The legislature shall have power to implement this amendment by appropriate legislation.

Section 41-15A-1

Contributions; promotions.

The State Treasurer is authorized to accept gifts, donations, and bequests from any person, association, company, or corporation wishing to contribute voluntarily to the Penny Trust Fund. Any person, association, company, or corporation may deposit funds in the Penny Trust Fund through the auspices of the State Treasurer or in the appropriately designated depository. The State Treasurer may seek the voluntary participation of banks, financial institutions, or other businesses in receiving and transferring donations to the Penny Trust Fund. The State Treasurer shall promulgate rules and regulations governing the procedures and administration for the voluntary donations, contributions, and transfers to the Penny Trust Fund. Donation and transmittal forms and promotional materials may be developed and distributed as authorized by the State Treasurer. It shall be legal and permissible for any agency of the state, including the Teachers' Retirement System, the State Employees' Retirement System, the Judicial Retirement System, local or state governing boards of education, and all other instrumentalities of the state to provide a listing of its employees, members, and/or students available through the auspices of the state Comptroller's office for the distribution and/or mailing of materials promoting the Penny Trust Fund. It shall be legal and permissible for the state, or any department, division, agency, board, bureau, and all other instrumentalities of the state, and local governing boards of education to cause promotional materials to be given to its employees and students in promotion of the Penny Trust Fund.

(Acts 1989, No. 89-667, p. 1325, §1; Act 99-592, p. 1352, §3.)

Section 41-15A-2

Distribution of proceeds.

(a) Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health shall be transmitted by the Comptroller to the Department of Public Health for the Alabama Drug Assistance Program and other similar programs upon application of the State Health Officer and approval by the board.

(b) Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health of children in public schools shall be transmitted by the Comptroller to the State Board of Education upon application of the State Superintendent of Education and approval by the board. Revenues received by any school system from the Penny Trust Fund shall not replace or supplant any existing funds or programs from any other source.

(c) There is appropriated from the Penny Trust Fund for any fiscal year accumulated earnings, available and not appropriated in any fiscal year 2001 and forward sufficient to fund all applications and proposals approved by the board and in the amount certified by the State Treasurer to the Director of Finance.

(Acts 1989, No. 89-667, p. 1325, §2; Act 99-592, p. 1352, §3; Act 2014-314, §1.)

Section 41-15A-3

Tax deduction.

Donations and bequests to the Penny Trust Fund by individuals, associations, corporations, and companies shall be exempt from all county and municipal taxes and deductible from state taxes in accordance with Section 40-18-15.

(Acts 1989, No. 89-667, p. 1325, §3.)

Section 41-15A-4

Income tax return.

Repealed by Act 2006-503, p. 1145, §2, effective for tax years beginning after December 31, 2005.

(Acts 1989, No. 89-667, p. 1325, §4.)

Section 41-15A-6

Definitions; duties of board.

THIS SECTION WAS AMENDED BY ACT 2014-314 IN THE 2014 REGULAR SESSION, EFFECTIVE OCTOBER 1, 2014. TO SEE THE AMENDED VERSION, SEE THE VERSION LABELED PENDING.

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

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

a. The Governor.

b. The State Treasurer.

c. The State Health Officer.

d. The State Superintendent of Education.

e. The State Auditor.

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

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

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

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

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

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

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

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

(7) Review the proposals by the governing authority of the Department of Public Health for the expenditure of its portion of proceeds from the Penny Trust Fund and, if desirable, offer comments and suggestions on the expenditure of the funds.

(Act 99-592, p. 1352, §§1, 2.)

Section 41-15A-7

Audit, examination of expenditures.

Expenditure of funds by the State Health Department and school systems shall at all times be subject to audit by the State Auditor and examination by the Examiners of Public Accounts. Any misexpenditure of funds by any individual shall, upon conviction in a court of competent jurisdiction, consist of a Class B misdemeanor and be subject to the penalties therefor.

(Act 99-592, p. 1352, §5.)

Section 41-15A-10

Short title.

Repealed by Act 2011-707, p. 2189, §1, effective September 30, 2011.

(Acts 1993, No. 93-608, p. 990, §1.)

Section 41-15A-11

Legislative intent.

Repealed by Act 2011-707, p. 2189, §1, effective September 30, 2011.

(Acts 1993, No. 93-608, p. 990, §2; Act 99-592, p. 1352, §3.)

Section 41-15A-12

Source for matching funds; transfer procedure; limitation; cap.

Repealed by Act 2011-707, p. 2189, §1, effective September 30, 2011.

(Acts 1993, No. 93-608, p. 990, §3(a)-(c); Act 99-592, p. 1352, §3.)