HB279

136402-1

By Representative Clouse

RFD: Ways and Means General Fund

First Read: 09-FEB-12
SYNOPSIS: This bill would amend Section 41-15A-2 of the Code of Alabama 1975, to authorize the Comptroller to transmit funds from the Penny Trust Fund to the Department of Public Health upon the application of the State Health Officer and to the State Board of Education upon the application of the State Superintendent of Education; would clarify uses of the funds; would appropriate earnings from the Penny Trust Fund for the purposes authorized by Amendment 512 of the Constitution of Alabama of 1901; and would amend Section 41-15A-6 of the Code of Alabama 1975, to define earnings and to modify the duties of the Board of Control of the Penny Trust Fund.

A BILL
TO BE ENTITLED
AN ACT
To amend Sections 41-15A-2 and 41-15A-6, Code of Alabama 1975, relating to the Penny Trust Fund; to authorize the Comptroller to transmit funds from the Penny Trust Fund to the Department of Public Health upon the application of the State Health Officer and to the State Board of Education upon the application of the State Superintendent of Education; to clarify uses of the funds; to appropriate earnings from the Penny Trust Fund for the purposes authorized by Amendment 512 of the Constitution of Alabama of 1901; and to define earnings and to modify the duties of the Board of Control of the Penny Trust Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§41-15A-2.

"(a) Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health of children shall be transmitted once annually by the Comptroller to the Department of Public Health upon application of the State Health Officer and divided as follows: approval by the board.

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

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

"(b) Proceeds from the Penny Trust Fund which are dedicated for the promotion of the public health of children in public schools shall be disbursed only to those public
school systems making grant applications to the board. The
state Comptroller shall transmit monies once annually
transmitted by the Comptroller to the State Board of Education
as certified by the secretary of the board to implement the
grants approved by the board. The monies shall then be
transmitted to the school system or systems for implementation
of the approved plan or plans 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, but shall be expended only on
programs for disease prevention as contained in the plan
approved by the board.

"(c) There is appropriated from the Penny Trust Fund
for any fiscal year accumulated earnings, available and not
appropriated in any fiscal year 2012 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.

"§41-15A-6.

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

"(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)(2) Review and approve the proposals by the
governing authority of the Department of Public Health and the
State Superintendent of Education 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.

"(3) Develop and approve an investment policy.

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

Section 2. This act shall become effective January
1, 2013.