

AN ACT amending the 2014-2016 executive branch biennial budget, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. 2014 Kentucky Acts Chapter 117, Part X, Phase I Tobacco Settlement, at pages 750 to 754, is amended to read as follows:

PART X

PHASE I TOBACCO SETTLEMENT

(1) **General Purpose:** This Part prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA are made to the states annually in April of each year.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended.

(5) MSA Payment Estimates and Adjustments: Based on the current estimates as reviewed by the Consensus Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2014-2015 is \$99,700,000 and in fiscal year 2015-2016 is \$72,400,000. ~~[It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. Any appropriations made from the estimated receipts are subject to adjustments based on actual receipts as received and certified by the Secretary of the Finance and Administration Cabinet.]~~

In addition to the above estimates, in June 2014, the Commonwealth reached a settlement with the participating manufacturers in regards to nonparticipating manufacturer adjustment disputes from 2003 to 2014. The settlement resulted in the Commonwealth receiving MSA payments of \$159,400,000 in fiscal year 2013-2014. Due to the settlement being reached after the 2014 Regular Session, the General Assembly appropriated \$90,800,000 in MSA payments for fiscal year 2013-2014, leaving \$68,600,000 of the MSA payments unappropriated. The General Assembly hereby appropriates the \$68,600,000 solely for the purposes identified in subsections (6) and (7) of this Part and separately identified in Part I of this Act for each budget unit, cabinet, and program affected.

(6) MSA Appropriations - Fiscal Year 2014-2015: Based on the MSA payment estimate as well as the \$68,600,000 of MSA payments unappropriated in fiscal year 2013-2014 as identified in subsection (5) of this Part, the following MSA payments are appropriated for fiscal year 2014-2015:

a. State Enforcement: Notwithstanding KRS 248.654, ~~[a total of]~~ \$250,000 in ~~[of the]~~ MSA payments~~[-received]~~ in ~~[each]~~ fiscal year 2014-2015 is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's enforcement of noncompliant nonparticipating manufacturers.

b. Debt Service: Notwithstanding KRS 248.654 and 248.703(4), ~~[a total of]~~ \$30,570,000 in MSA payments~~[-received]~~ in fiscal year 2014-2015~~[-and a total of]~~

~~[\$30,657,000 in MSA payments received in fiscal year 2015-2016]~~ is appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

c. Agricultural Development Initiatives: Notwithstanding KRS 248.654 and 248.703(4), \$37,701,600 in MSA payments in fiscal year 2014-2015 ~~and 12,821,200 in fiscal year 2015-2016~~ is appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives.

d. Early Childhood Development Initiatives: Notwithstanding KRS 248.654, ~~[twenty five percent of the MSA payments, less the above enforcement appropriations, received in fiscal year 2014-2015, estimated to be] \$24,198,900 in MSA payments in fiscal year 2014-2015~~, and notwithstanding KRS 248.654, in fiscal year 2015-2016, ~~[\$24,198,900]~~ is appropriated for early childhood development initiatives as specified in this Part.

e. Health Care Initiatives: Notwithstanding KRS 248.654 and 304.17B-003(5), \$9,159,000 in MSA payments in fiscal year 2014-2015 ~~and 6,652,400 in fiscal year 2015-2016~~ is appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

f. Deficit: If MSA payments received in fiscal year 2014-2015 are insufficient to support the enacted General Fund (Tobacco) appropriations for fiscal year 2014-2015, up to \$26,600,000 of the \$68,600,000 shall be appropriated in fiscal year 2014-2015 to keep appropriations at their enacted levels for fiscal year 2014-2015. Notwithstanding KRS 248.654, 248.703, and 304.17B-003(5), the remainder of the \$68,600,000 shall remain in the Tobacco Settlement Agreement Fund and shall not be appropriated or expended without express authority in an enacted biennial budget. Should the MSA payment be less than \$73,100,000 and a deficit between the MSA payments and the enacted appropriations still exists after appropriating the \$26,600,000, General Fund (Tobacco) appropriation reductions shall be applied as follows: 50 percent to the Agricultural Development Fund, 25 percent to the Early

Childhood Development Fund, and 25 percent to the Health Care Improvement Fund.

g. Excess MSA Payments: Notwithstanding KRS 248.654, 248.703, and 304.17B-003(5), if MSA payments received in fiscal year 2014-2015 exceed the enacted General Fund (Tobacco) appropriations for fiscal year 2014-2015, the excess MSA payments shall remain in the Tobacco Settlement Agreement Fund and shall not be appropriated or expended without express authority in an enacted biennial budget.

(7) MSA Appropriations - Fiscal Year 2015-2016: Based on the MSA payment estimate as well as the remaining moneys from the \$68,600,000 identified in subsections (5) and (6) of this Part, the following MSA payments are appropriated for fiscal year 2015-2016:

a. State Enforcement: Notwithstanding KRS 248.654, \$250,000 in MSA payments in fiscal year 2015-2016 is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's enforcement of noncompliant nonparticipating manufacturers.

b. Debt Service: Notwithstanding KRS 248.654 and 248.703(4), \$30,657,000 in MSA payments in fiscal year 2015-2016 is appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

c. Agricultural Development Initiatives: Notwithstanding KRS 248.654 and 248.703(4), \$33,821,200 in MSA payments in fiscal year 2015-2016 is appropriated to the Kentucky Agricultural Development Fund as specified in this Part. Of the \$33,821,200, \$21,000,000 shall come from the remaining MSA payments received in fiscal year 2013-2014. The \$21,000,000 shall be appropriated in fiscal year 2015-2016 as follows:

1. \$5,000,000 for the Governor's Office of Agricultural Policy to support state agricultural programs established in KRS 248.703(1)(b);

2. \$5,000,000 for the Kentucky Agricultural Finance Corporation;

3. \$6,000,000 for the counties account established in KRS 248.703(1)(a); and

4. \$5,000,000 for the Energy and Environment Cabinet's Environmental Stewardship Program.

d. Early Childhood Development Initiatives: Notwithstanding KRS 248.654, \$24,198,900 in MSA payments in fiscal year 2015-2016 is appropriated for early childhood development initiatives as specified in this Part.

e. Health Care Initiatives: Notwithstanding KRS 248.654 and 304.17B-003(5), \$9,159,000 in MSA payments in fiscal year 2015-2016 is appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part. Of the \$9,159,000, \$2,506,600 shall come from the remaining MSA payments received in fiscal year 2013-2014. The \$2,506,600 shall be appropriated in fiscal year 2015-2016 as follows:

1. \$682,500 for the Cabinet for Health and Family Service's Smoking Cessation Program;

2. \$459,100 for the Justice and Public Safety Cabinet's Office of Drug Control Policy; and

3. \$1,365,000 for the Lung Cancer Research Fund.

f. Deficit: If MSA payments received in fiscal year 2015-2016 are less than \$72,400,000, General Fund (Tobacco) appropriation reductions shall be applied as follows: 50 percent to the Agricultural Development Fund, 25 percent to the Early Childhood Development Fund, and 25 percent to the Health Care Improvement Fund.

g. Excess MSA Payments: Notwithstanding KRS 248.654, 248.703, and 304.17B-003(5), if MSA payments received in fiscal year 2015-2016 exceed \$72,400,000, the excess MSA payments shall remain in the Tobacco Settlement Agreement Fund and shall not be appropriated or expended without express authority in an enacted biennial budget.

~~[(6) MSA Appropriation Adjustments: Excluding any amounts received under Part X, (9), Nonparticipating Manufacturer Settlement Proceeds, if Phase I Master~~

~~Settlement Agreement revenues exceed \$99,700,000 in fiscal year 2014-2015, or \$72,400,000 in fiscal year 2015-2016, these unanticipated revenues are hereby appropriated as follows: 50 percent to the Agricultural Development Fund, 25 percent to the Early Childhood Development Fund, and 25 percent to the Health Care Improvement Fund.~~

~~(7) MSA Appropriation Adjustment Fiscal Year 2013-2014: The Consensus Forecasting Group reduced the fiscal year 2013-2014 Phase I Master Settlement Agreement revenue forecast by 50 percent from the enacted estimate of \$90,800,000 to \$45,400,000. The reduction in the MSA revenue estimate was based on the expectation that a nonparticipating manufacturer adjustment would be applied to the annual MSA payment in fiscal year 2013-2014. To accommodate this reduction in estimated revenues, the following fiscal year 2013-2014 appropriations and continuing appropriations are hereby reduced:~~

~~a. Agricultural Development: General Government — Governor's Office of Agricultural Policy, \$14,379,300 in fiscal year 2013-2014; Energy and Environment Cabinet — Natural Resources, \$2,938,600 (\$2,500,000 in fiscal year 2013-2014 and \$438,600, continuing appropriation); and Finance and Administration Cabinet — Debt Service, \$5,806,300 in fiscal year 2013-2014.~~

~~b. Early Childhood Development: General Government — Governor's Office: \$2,101,800 (\$1,912,500 in fiscal year 2013-2014 and \$189,300, continuing appropriation); Health and Family Services Cabinet — Community Based Services, \$100,000 in fiscal year 2013-2014; Health and Family Services Cabinet — Public Health, \$3,682,900 in fiscal year 2013-2014; Health and Family Services Cabinet — Behavioral Health, Developmental and Intellectual Disabilities, \$75,600 in fiscal year 2013-2014; and Council on Postsecondary Education — Kentucky Higher Education Assistance Authority, \$301,000 in fiscal year 2013-2014.~~

~~c. Health Care Improvement: Health and Family Services Cabinet — Public~~

~~Health—Smoking Cessation, \$839,400 in fiscal year 2013–2014; Justice and Public Safety Cabinet—Justice Administration, \$47,100 in fiscal year 2013–2014; Health and Family Services Cabinet—Health Benefit Exchange—Kentucky Access, \$14,657,300 in fiscal year 2013–2014; and Postsecondary Education—Council on Postsecondary Education, \$442,000 in fiscal year 2013–2014.~~

~~(8) Kentucky Access: To accommodate the fiscal year 2013–2014 budget reduction associated with Kentucky Access, the Cabinet for Health and Family Services may use surplus, unexpended, or continuing appropriations from any source, excluding General Fund (Tobacco) dollars, within the Cabinet to fund the Kentucky Access program in fiscal year 2013–2014.~~

~~(9) Nonparticipating Manufacturer Settlement Proceeds: Notwithstanding KRS 248.654, in the event a settlement is reached between the Commonwealth and the participating manufacturers regarding the nonparticipating manufacturer adjustment issue, any settlement proceeds shall be deposited into the Tobacco Settlement Agreement Fund and shall not be expended without appropriation authority granted by the General Assembly.~~

~~(10) Fiscal Year 2013–2014 County Accounts: Due to the budget reduction actions specified in Part X, (7), (a), the Governor’s Office of Agricultural Policy shall transfer \$6,000,000 in continuing appropriations to the county accounts in fiscal year 2013–2014.]~~

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654, appropriations for state enforcement shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2014-15	2015-16
a. Revenue	250,000	250,000

B. DEBT SERVICE

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for debt service

shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2014-15	2015-16
a. Debt Service	30,570,000	30,657,000

(1) **Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. ~~If revenues received from the Tobacco Settlement Program in fiscal year 2013-2014 are insufficient to support the required debt service appropriations, notwithstanding 2012 Ky. Acts ch. 144, Part X., B., no more than \$5,751,000 of General Fund (Tobacco) moneys from the Governor's Office of Agricultural Policy shall be transferred to the Finance and Administration Cabinet, Debt Service budget unit to pay the necessary debt service.~~ All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco-supported funding program accounts to other accounts of the General Fund.

(2) **General Fund (Tobacco) Debt Service Lapse:** Notwithstanding Part X~~[-]~~, (4), of this Act, \$2,179,500 in fiscal year 2014-2015 and \$2,179,500 in fiscal year 2015-2016 shall lapse.

C. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for agricultural

development shall be as follows:

1. GENERAL GOVERNMENT

Budget Units	2014-15	2015-16
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a. Governor's Office of Agricultural Policy 31,101,600 ~~28,221,200~~ ~~[12,221,200]~~

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(2) **Agricultural Development Appropriations:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$19,350,000 in fiscal year 2014-2015 and ~~\$15,850,000~~ ~~[9,850,000]~~ in fiscal year 2015-2016, for the counties account as specified in KRS 248.703(1)(a). *The additional \$6,000,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of this Act.*

(3) *Kentucky Agricultural Finance Corporation: Included in the above General Fund (Tobacco) appropriation is \$5,000,000 in fiscal year 2015-2016 for the Kentucky Agricultural Finance Corporation. The \$5,000,000 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of this Act.*

b. Agriculture 600,000 600,000

(1) **Farms to Food Banks:** Included in the above General Fund (Tobacco) appropriation is \$600,000 in each fiscal year to support the Farms to Food Banks program to benefit both Kentucky farmers and the needy by providing fresh, locally grown produce to food pantries.

2. ENERGY AND ENVIRONMENT CABINET

Budget Unit	2014-15	2015-16
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a. Natural Resources	6,000,000	5,000,000 [0]
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(1) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is \$6,000,000 in fiscal year 2014-2015 *and \$5,000,000 in fiscal year 2015-2016* for the Environmental Stewardship Program. *The \$5,000,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of*

this Act.

TOTAL - AGRICULTURAL APPROPRIATIONS 37,701,600 ~~33,821,200~~ ~~[12,821,200]~~

D. EARLY CHILDHOOD DEVELOPMENT**GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS***Notwithstanding KRS 248.654, appropriations for early childhood development**shall be as follows:***1. GENERAL GOVERNMENT**

Budget Unit	2014-15	2015-16
a. Office of the Governor	1,912,500	1,912,500

(1) **Governor's Office for Early Childhood Development:** Included in the above General Fund (Tobacco) appropriation is \$1,912,500 in fiscal year 2014-2015 and \$1,912,500 in fiscal year 2015-2016 for the Early Childhood Advisory Council.

2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	2014-15	2015-16
a. Community Based Services	8,715,000	8,715,000

(1) **Early Childhood Development Program:** Included in the above General Fund (Tobacco) appropriation is \$8,715,000 in each fiscal year for the Early Childhood Development Program.

b. Public Health	11,580,000	11,580,000
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(1) **HANDS Program, Healthy Start, Folic Acid Program, Early Childhood Mental Health, and Early Childhood Oral Health:** Included in the above General Fund (Tobacco) appropriation is \$9,000,000 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program, \$1,000,000 in each fiscal year for Healthy Start initiatives, \$80,000 in each fiscal year for the Folic Acid Program, \$1,000,000 in each fiscal year for Early Childhood Mental Health, and \$500,000 in each fiscal year for Early Childhood Oral Health.

c. Behavioral Health, Developmental and Intellectual Disabilities

Services	891,400	891,400
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(1) **Substance Abuse Prevention and Treatment:** Included in the above General Fund (Tobacco) appropriation is \$891,400 in each fiscal year for substance abuse prevention and treatment.

3. POSTSECONDARY EDUCATION

Budget Unit	2014-15	2015-16
a. Kentucky Higher Education Assistance Authority	1,100,000	1,100,000

(1) **Early Childhood Scholarships:** Included in the above General Fund (Tobacco) appropriation is \$1,100,000 in each fiscal year for Early Childhood Scholarships.

TOTAL - EARLY CHILDHOOD APPROPRIATIONS	24,198,900	24,198,900
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E. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Unit	2014-15	2015-16
a. Public Health	2,486,300	<u>2,486,300</u> [1,803,800]

(1) **Smoking Cessation Program:** Included in the above General Fund (Tobacco) appropriation is \$2,486,300 in fiscal year 2014-2015 and \$2,486,300~~[\$1,803,800]~~ in fiscal year 2015-2016 for the Smoking Cessation Program. *The additional \$682,500 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.*

2. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit	2014-15	2015-16
a. Justice Administration	1,700,200	<u>1,700,200</u> [1,241,100]

(1) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$1,700,200 in fiscal year 2014-2015 and \$1,700,200~~[\$1,241,100]~~ in fiscal year 2015-2016 for the Office of Drug Control Policy. *The additional \$459,100 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.*

3. POSTSECONDARY EDUCATION

Budget Unit	2014-15	2015-16
a. Council on Postsecondary Education	4,972,500	<u>4,972,500</u> [3,607,500]

(1) **Ovarian Cancer Screening:** Notwithstanding KRS 164.476, General Fund (Tobacco) moneys in the amount of \$800,000~~[\$775,000]~~ in each fiscal year shall be allotted from the Lung Cancer Research Fund to the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

(2) Lung Cancer Research Fund: Included in the above General Fund (Tobacco) appropriation is \$4,972,500 in fiscal year 2015-2016. The additional \$1,365,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.

TOTAL - HEALTH CARE APPROPRIATIONS	9,159,000	<u>9,159,000</u> [6,652,400]
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TOTAL - PHASE I TOBACCO SETTLEMENT

FUNDING PROGRAM	101,879,500	<u>98,086,100</u> [74,579,500]
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➔Section 2. 2014 Kentucky Acts Chapter 117, Part I, Operating Budget; A. General Government; 6. Governor's Office of Agricultural Policy, at pages 610 to 611, is amended to read as follows:

6. GOVERNOR'S OFFICE OF AGRICULTURAL POLICY

	2014-15	2015-16
General Fund (Tobacco)	31,101,600	<u>28,221,200</u> [12,221,200]
Restricted Funds	843,800	553,500
TOTAL	31,945,400	<u>28,774,700</u> [12,774,700]

(1) **Kentucky Agricultural Finance Corporation:** Notwithstanding KRS 247.978(2), the total amount of principal which a qualified applicant may owe the Kentucky Agricultural Finance Corporation at any one time shall not exceed \$5,000,000. *Included in the above General Fund (Tobacco) appropriation is \$5,000,000 in fiscal year 2015-2016 for the Kentucky Agricultural Finance Corporation. The \$5,000,000 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of this Act.*

(2) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(3) **Agricultural Development Appropriations:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$19,350,000 in fiscal year 2014-2015 and *\$15,850,000*~~[9,850,000]~~ in fiscal year 2015-2016 for the counties account as specified in KRS 248.703(1)(a). *The additional \$6,000,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of this Act.*

(4) **Appropriation of Unexpended Tobacco Debt Service:** Any unexpended balance from the fiscal year 2014-2015 or the fiscal year 2015-2016 General Fund (Tobacco) debt service appropriation in the Finance and Administration Cabinet, Debt Service budget unit, shall continue and be appropriated to the Governor's Office for Agricultural Policy.

➔Section 3. 2014 Kentucky Acts Chapter 117, Part I, Operating Budget; E. Energy and Environment Cabinet; 3. Natural Resources, at pages 637 to 638, is amended to read as follows:

3. NATURAL RESOURCES

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	6,000,000	<u><i>5,000,000</i></u> [0-]

General Fund	742,600	32,882,900	33,579,600
Restricted Funds	-0-	16,431,700	16,342,400
Federal Funds	-0-	56,091,300	56,453,100
TOTAL	742,600	111,405,900	<u>111,375,100</u> [106,375,100]

(1) **Emergency Forest Fire Suppression:** Not less than \$240,000 of the above General Fund appropriation for each fiscal year shall be set aside for emergency forest fire suppression. There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of \$240,000. Fire suppression costs in excess of \$240,000 annually shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Mine Safety:** Notwithstanding KRS 42.4592, included in the above General Fund appropriation is \$3,219,800 in each fiscal year from the Local Government Economic Development Fund for the Office of Mine Safety and Licensing. Notwithstanding KRS 351.140, the number of mandatory mine safety inspections to be carried out by the Office of Mine Safety and Licensing shall be equal to the number of mine safety inspections required annually by the Mine Safety and Health Administration.

(3) **Conservation Districts:** Included in the above General Fund appropriation is \$950,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts.

(4) **Forestry Tree Nurseries:** Included in the above Restricted Funds appropriation is \$250,000 in each fiscal year for the Department of Natural Resources' tree nursery programs in Morgan County and Marshall County.

(5) **Division of Oil and Gas:** Notwithstanding KRS 42.4588, included in the above Restricted Funds appropriation is \$25,000 in each fiscal year for the Division of Oil and Gas within the Department for Natural Resources for an update of the Best

Practices Manual.

(6) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is \$5,000,000 in fiscal year 2015-2016 for the Environmental Stewardship Program. The \$5,000,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)c. of this Act.

➔Section 4. 2014 Kentucky Acts Chapter 117, Part I, Operating Budget; G. Health and Family Services Cabinet; 5. Public Health, at pages 645 to 646, is amended to read as follows:

5. PUBLIC HEALTH

	2014-15	2015-16
General Fund (Tobacco)	14,066,300	<u>14,066,300</u> [13,383,800]
General Fund	68,820,000	71,111,300
Restricted Funds	97,016,400	97,160,000
Federal Funds	199,916,700	186,493,400
TOTAL	379,819,400	<u>368,831,000</u> [368,148,500]

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$9,000,000 in each fiscal year for the Health Access Nurturing Development Services Program, \$1,000,000 in each fiscal year for Healthy Start initiatives, \$80,000 in each fiscal year for Folic Acid Program, \$1,000,000 in each fiscal year for Early Childhood Mental Health, \$500,000 in each fiscal year for Early Childhood Oral Health, and \$2,486,300 in fiscal year 2014-2015 and \$2,486,300~~[1,803,800]~~ in fiscal year 2015-2016 for Smoking Cessation. **The additional \$682,500 in fiscal year 2015-2016 for Smoking Cessation is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.**

(2) Local and District Health Department Retirement Cost Increase: Included in the above General Fund appropriation is a total of \$17,909,700 in each fiscal year for Local and District Health Departments to assist them with employer contributions for the

Kentucky Employees Retirement System. Of that amount, \$14,615,600 is to fully fund the increase in employer contribution rates in both fiscal years. In July and January of each year the Department for Public Health shall obtain the total creditable compensation reported by each Local and District Health Department Board to the Kentucky Retirement System and utilize that number to determine how much of this total appropriation shall be distributed to each Department. Payments to the Departments shall be made on September 1 and April 1 of each fiscal year.

(3) Debt Service: Included in the above General Fund appropriation is \$212,500 in fiscal year 2014-2015 and \$425,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) Local and District Health Department Payments: The Department for Public Health shall not interfere with the ability of a local or district health department to receive reimbursement for services provided. The Department for Public Health shall submit to the Department for Medicaid Services and the Medicaid Managed Care Organizations all requests for payment for services received from a local or district health department.

(5) Diabetes Services: Included in the above General Fund appropriation is \$2,600,000 in each fiscal year for continuation of base services through Local and District Health Departments.

➔Section 5. 2014 Kentucky Acts Chapter 117, Part I, Operating Budget; H. Justice and Public Safety Cabinet; 1. Justice Administration, at page 648, is amended to read as follows:

1. JUSTICE ADMINISTRATION

	2014-15	2015-16
General Fund (Tobacco)	1,700,200	<u>1,700,200</u> [1,241,100]
General Fund	11,095,700	11,210,300
Restricted Funds	3,893,500	3,814,600

Federal Funds	11,135,600	11,135,600
TOTAL	27,825,000	27,401,600 27,860,700

(1) **Operation Unite:** Included in the above Restricted Funds appropriation is \$2,000,000 in each fiscal year for Operation Unite.

(2) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$1,700,200 in fiscal year 2014-2015 and ~~\$1,241,100~~ **\$1,700,200** in fiscal year 2015-2016 for the Office of Drug Control Policy. *The additional \$459,100 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.*

(3) **Kentucky Legal Education Opportunity Program:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for the Kentucky Legal Education Opportunity Program. All Kentucky law schools may participate in the program, but the summer institute shall be held on the campus of the University of Kentucky.

(4) **Madisonville Medical Examiner's Office:** Included in the above General Fund appropriation is \$327,200 in each fiscal year for the operation of the Madisonville Medical Examiner's Office. The office shall not be relocated or closed during the 2014-2016 biennium.

(5) **Court Appointed Special Advocates:** Included in the above General Fund appropriation is \$25,000 in fiscal year 2014-2015 for Court Appointed Special Advocates in Hardin County.

(6) **Public Safety First Programs:** Included in the appropriations for the Justice and Public Safety Cabinet is \$1,100,000 in each fiscal year for Public Safety First programs. Expenditure of these funds may be from a combination of any of the following appropriation units: Justice Administration, State Police, Corrections Management, Adult Correctional Institutions, and Community Services and Local Facilities.

➔Section 6. 2014 Kentucky Acts Chapter 117, Part I, Operating Budget; K.

Postsecondary Education; 1. Council on Postsecondary Education, at pages 655 to 656, is amended to read as follows:

1. COUNCIL ON POSTSECONDARY EDUCATION

	2013-14	2014-15	2015-16
General Fund (Tobacco)	-0-	4,972,500	4,972,500 [3,607,500]
General Fund	-0-	45,489,900	71,405,000
Restricted Funds	293,800	6,022,400	6,027,600
Federal Funds	-0-	18,073,800	18,102,500
TOTAL	293,800	74,558,600	100,507,600 [99,142,600]

(1) Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2013-2014 and fiscal year 2014-2015 to the Adult Education and Literacy Funding Program shall not lapse and shall carry forward.

Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2013-2014 and fiscal year 2014-2015 to the Science and Technology Funding Program shall not lapse and shall carry forward.

(2) Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts: Notwithstanding KRS 164.7911, 164.7913, 164.7915, 164.7917, 164.7919, 164.7921, 164.7923, 164.7925, and 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(3) Ovarian Cancer Screening: Notwithstanding KRS 164.476(1), General Fund (Tobacco) moneys in the amount of ~~\$800,000~~~~[\$775,000]~~ in each fiscal year shall be allotted from the Lung Cancer Research Fund to the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

(4) Debt Service: Included in the above General Fund appropriation is \$2,940,500 in fiscal year 2014-2015 and \$28,491,500 in fiscal year 2015-2016 for new

debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) **Postsecondary Education Debt:** Notwithstanding KRS 45.750 to 45.810, in order to lower the cost of borrowing, any university that has issued or caused to be issued debt obligations through a not-for-profit corporation or a municipality or county government for which the rental or use payments of the university substantially meet the debt service requirements of those debt obligations is authorized to refinance those debt obligations if the principal amount of the debt obligations is not increased and the rental payments of the university are not increased. Any funds used by a university to meet debt obligations issued by a university pursuant to this subsection shall be subject to interception of state-appropriated funds pursuant to KRS 164A.608.

(6) **Washington D.C. Internship Program:** Included in the above General Fund appropriation are funds in each fiscal year for scholarships to the Washington Center for Internships and Academic Seminars.

(7) **Adult Education:** Included in the above General Fund appropriation are funds in each fiscal year for the Kentucky Adult Education Funding Program.

(8) **Contract Spaces:** Included in the above General Fund appropriation is \$5,419,000 in fiscal year 2014-2015 and \$5,680,100 in fiscal year 2015-2016 for the Contract Spaces Program.

(9) **Veterinary Medicine:** If General Fund appropriations are not sufficient to fully fund 164 veterinary slots, the Council on Postsecondary Education shall fully fund the 164 slots out of the Council's base budget.

(10) **Optometry Slots:** If General Fund appropriations are not sufficient to fully fund 44 optometry slots, the Council on Postsecondary Education shall fully fund the 44 slots out of the Council's base budget. The Council on Postsecondary Education shall conduct a study on the effect that the licensure and accreditation of any school of optometry within the Commonwealth would have on the Contract Spaces Program. The

Council on Postsecondary Education shall submit a report containing the results of this study to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Education by December 1, 2015.

(11) Council Presidential Compensation: Notwithstanding KRS 164.013(6), the Council on Postsecondary Education shall set the salary of the President at an amount no greater than the salary he was receiving on January 1, 2012.

(12) Lung Cancer Research Fund: Included in the above General Fund (Tobacco) appropriation is \$4,972,500 in fiscal year 2015-2016. The additional \$1,365,000 in fiscal year 2015-2016 is provided from MSA moneys as detailed in Part X, (5) and (7)e. of this Act.

→Section 7. 2014 Kentucky Acts Chapter 117, Part VI, General Fund Budget Reduction Plan, at pages 749 to 750, is amended to read as follows:

PART VI

GENERAL FUND BUDGET REDUCTION PLAN

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected revenue shortfall in General Fund revenue receipts, excluding Tobacco Settlement – Phase I receipts, of \$9,801,299,200 in fiscal year 2014-2015 and \$10,067,223,600 in fiscal year 2015-2016, as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session. Direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address a proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected revenue shortfall.

The Governor, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective

branch budget units as may be necessary, as well as take other measures which shall be consistent with the provisions of this Part and general branch budget bills.

Notwithstanding KRS 48.130(4)(a) and (b), in the event of a revenue shortfall of five percent or less, General Fund budget reduction actions shall be implemented in the following sequence:

(1) The Local Government Economic Assistance and the Local Government Economic Development Funds shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act;

(2) Transfers of excess unappropriated Restricted Funds, notwithstanding any statutes to the contrary, other than fiduciary funds, to the General Fund shall be applied as determined by the head of each branch for its respective budget units. No transfers to the General Fund shall be made from the following:

(a) Local Government Economic Assistance and Local Government Economic Development Funds;

(b) ~~[Unexpended debt service from the]~~Tobacco-Settlement Phase I Funds, ***including but not limited to unexpended debt service and the Tobacco Unbudgeted Interest Income-Rural Development Trust Fund,*** in either fiscal year; ***and***

(c) ~~[Tobacco Unbudgeted Interest Income-Rural Development Trust Fund; and~~

~~(d)]~~Multi-County Coal Severance Fund;

(3) ~~[Any unanticipated Phase I Master Settlement Agreement revenues in both fiscal years shall be appropriated according to KRS 248.654;~~

~~(4)]~~Use of the unappropriated balance of the General Fund surplus shall be applied;

~~(4)~~~~(6)~~ Reduce General Fund appropriations in Executive Branch agencies' operating budget units by a sufficient amount to balance either fiscal year. No reductions of General Fund appropriations shall be made from the Local Government Economic

Assistance Fund or the Local Government Economic Development Fund;

~~(5)~~~~(8)~~ Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth;

~~(6)~~~~(9)~~ Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 25 percent of the Trust Fund balance in fiscal year 2014-2015 and 50 percent in fiscal year 2015-2016; and

~~(7)~~~~(10)~~ Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to ~~(6)~~~~(5)~~ of this Part are insufficient to eliminate an actual or projected General Fund revenue shortfall, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in this Part.

➔Section 8. 2014 Kentucky Acts Chapter 117, Part III, General Provisions, after 44. Debt Service Template Interest Rates, at page 743, is amended by inserting the following:

45. Permitted Use of Water and Sewer Bond Funds: Notwithstanding Part II, (3) of this Act and any statute to the contrary, any balances remaining for either closed or open project grant agreements authorized pursuant to bond pools set forth in 2003

Ky. Acts ch. 156, Part II, A., 3., d. Water and Sewer Resources Development Fund for Tobacco Counties and e. Water and Sewer Resources Development Fund For Coal Producing Counties, 2005 Ky. Acts ch. 173, Part II, A., 3., 003. Infrastructure for Economic Development Fund for Coal-Producing Counties and 004. Infrastructure for Economic Development Fund for Tobacco Counties, 2006 Ky. Acts ch. 252, Part II, A., 2., 003. Infrastructure for Economic Development Fund for Non-Coal Producing Counties and 004. Infrastructure for Economic Development Fund for Coal-Producing Counties, 2008 Ky. Acts ch. 123, Section 3., 004. Infrastructure for Economic Development Fund for Coal-Producing Counties and 005. Infrastructure for Economic Development Fund for Non-Coal Producing Counties, and 2008 Ky. Acts ch. 174, Section 2. and 2009 Ky. Acts ch. 87, Section 2. shall not lapse and shall remain to the credit of projects previously authorized by the General Assembly unless expressly reauthorized and reallocated by action of the General Assembly.

→Section 9. Whereas the provisions of this Act provide ongoing support for programs funded in the 2014-2016 executive branch biennial budget, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon it otherwise becoming law.