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HOUSE BILL NO. 1320

Offered January 24, 2000

A BILL to amend and reenact § 32.1-77 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 32.1 a section numbered 32.1-78.1, relating to maternal and child health services; funding from proceeds of the Master Tobacco Settlement Agreement.

Patrons—Van Landingham, Almand, Amundson, Baskerville, Brink, Christian, Cranwell, Crittenden, Darner, Deeds, Diamonstein, Hull, Jones, J.C., Melvin, Moran, Plum, Scott, Spruill, Tate, Thomas, Van Yahres and Woodrum; Senators: Byrne, Miller, Y.B., Puller and Ticer

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-77 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 32.1 a section numbered 32.1-78.1 as follows:

§ 32.1-77. State plans for maternal and child health services and children's specialty services.

A. The Board is authorized to prepare, amend from time to time and submit to the Secretary of the United States Department of Health and Human Services, state plans for maternal and child health services and children's specialty services pursuant to Title V of the United States Social Security Act and any amendments thereto.

B. The Commissioner is authorized to administer such plans and to receive and expend federal funds from the Maternal and Child Health Fund established pursuant to § 32.1-78.1 for the administration thereof in accordance with applicable federal and state laws and regulations.

§ 32.1-78.1. Maternal and Child Health Fund established.

A. Money received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited in the state treasury subject to the special nonreverting funds established by subsection B of this section and §§ 9-385 and 32.1-360 and shall be included in general revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536. For purposes of this section, "Master Settlement Agreement" means the settlement agreement and related documents between the Commonwealth and leading United States tobacco product manufacturers dated November 23, 1998, and including the Consent Decree and Final Judgment entered in the Circuit Court of the City of Richmond on February 23, 1999, Chancery Number HJ-2241-4.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Maternal and Child Health Fund, hereafter referred to as "the Fund." The Maternal and Child Health Fund shall be established on the books of the Comptroller. Ten percent of the annual amount received by the Commonwealth from the Master Settlement Agreement shall be paid into the state treasury and credited to the Fund. The Fund shall also consist of (i) general funds appropriated for this activity, (ii) any federal funds available for maternal and child health services and children's specialty services, and (iii) balances in the Fund. Interest earned on moneys in the Fund shall remain in such Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund, but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner of the Department or his designee.

2. That there is hereby appropriated to the Maternal and Child Health Fund ten percent of all amounts received by the Commonwealth from the Master Settlement Agreement between the effective date of this act and June 30, 2002. All remaining funds received by the Commonwealth from the Master Settlement Agreement between the effective date of this act and June 30, 2002, shall be deposited in the general fund.

3. That the amounts appropriated by this act shall be subject to reduction in the event that the federal government takes as recovery of the federal share of Medicaid expenditures money from the amounts received by the Commonwealth from the Master Settlement Agreement. Should such recovery by the federal government occur, the appropriations provided by this act to the Maternal and Child Health Fund shall be ten percent of the net amounts received from the Master Settlement Agreement, after any amounts recovered by the federal government are subtracted from all amounts received from the Master Settlement Agreement.

4. That notwithstanding any contrary provisions of the 2000-2002 general appropriations act, and until June 30, 2002, the provisions of this act shall prevail over any conflicting provision of any

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60 other law.