

By: Representative Scott (80th) (By Request) To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 70

1 AN ACT TO ESTABLISH A PUBLIC HEALTH CARE TRUST FUND IN THE
2 STATE TREASURY INTO WHICH SHALL BE DEPOSITED MONIES FROM THE
3 SETTLEMENT OF THE LAWSUIT AGAINST TOBACCO COMPANIES BY THE STATE
4 OF MISSISSIPPI; TO PROVIDE THAT THE PRINCIPAL OF THE TRUST FUND
5 SHALL REMAIN INVIOLATE AND SHALL NEVER BE EXPENDED; TO PROVIDE
6 THAT MONIES IN THE TRUST FUND THAT ARE SUBJECT TO EXPENDITURE
7 SHALL BE EXPENDED EXCLUSIVELY FOR PUBLIC HEALTH CARE ISSUES; TO
8 PROVIDE THAT MONIES IN THE TRUST FUND SHALL BE INVESTED IN ANY OF
9 THE INVESTMENTS AUTHORIZED FOR THE MISSISSIPPI PREPAID AFFORDABLE
10 COLLEGE TUITION PROGRAM; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. This article shall be known and may be cited as
13 the "Mississippi Public Health Care Trust Fund Act of 1999."

14 SECTION 2. It is declared by the Legislature that the monies
15 received by the State of Mississippi from tobacco companies in
16 settlement of a certain lawsuit brought against those companies by
17 the State of Mississippi, or as a result of the settlement of any
18 lawsuit brought against tobacco companies by another state, should
19 be applied toward improving the health and public health care of
20 the citizens and residents of the state. It is the intent of the
21 Legislature by this article to provide the manner and means
22 necessary to carry out those purposes.

23 SECTION 3. When used in this article, the following
24 definitions shall apply, unless the context requires otherwise:

25 (a) "Act" means the Mississippi Public Health Care
26 Trust Fund Act of 1999.

27 (b) "Public Health Care Trust Fund" means the trust
28 fund established by Section 4 of this act for the deposit of
29 monies received by the State of Mississippi as a result of the
30 tobacco settlement and such other monies as the state may

31 determine are appropriate.

32 (c) "Tobacco settlement" means the settlement of the
33 case of Mike Moore, Attorney General ex rel. State of Mississippi
34 v. The American Tobacco Company et al. (Chancery Court of Jackson
35 County, Mississippi, Cause No. 94-1429) and the settlement of any
36 case brought against tobacco companies by another state.

37 SECTION 4. (1) In accordance with the purposes of this
38 article, there is established in the State Treasury the Public
39 Health Care Trust Fund, into which shall be deposited monies,
40 including interest earnings, received by the State of Mississippi
41 as a result of the tobacco settlement and such other monies as the
42 state may determine are appropriate. Monies in the Public Health
43 Care Trust Fund that are subject to expenditure shall be expended
44 exclusively for public health care issues.

45 (2) The principal of the Public Health Care Trust Fund shall
46 remain inviolate and shall never be expended. The Legislature may
47 appropriate all of the income from the Public Health Care Trust
48 Fund in furtherance of the purposes of this article, less six
49 percent (6%) of the annual income of the Public Health Care Trust
50 Fund, which shall be added to the principal of the fund each year.

51 SECTION 5. (1) The State Treasurer shall invest the monies
52 of the Public Health Care Trust Fund in any of the investments
53 authorized for the Mississippi Prepaid Affordable College Tuition
54 Program under Section 37-155-9, and such investments shall be
55 subject to the limitations prescribed by Section 37-155-9.

56 (2) All interest derived from investments and any gains from
57 the sale or exchange of investments shall be credited to the
58 account of the Public Health Care Trust Fund.

59 (3) For the purpose of meeting disbursements for funding
60 public health care issues and the costs and expenses of
61 administering the Public Health Care Trust Fund, cash may be kept
62 available, not exceeding the requirements of the Public Health
63 Care Trust Fund for a period of ninety (90) days, on deposit in
64 one or more banks or trust companies organized under the laws of
65 the State of Mississippi or the laws of the United States,
66 provided that the sum on deposit in any one (1) bank or trust
67 company shall not exceed thirty-five percent (35%) of the paid-up

68 capital and regular surplus of the bank or trust company.

69 SECTION 6. Sections 1 through 5 of this act shall be
70 inserted as a new article in Title 43, Chapter 13, Mississippi
71 Code of 1972.

72 SECTION 7. This act shall take effect and be in force from
73 and after its passage.