

By: Representative Smith (35th)

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 31

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY ADDING A NEW SECTION TO CREATE A SPECIAL
3 TRUST FUND IN THE STATE TREASURY INTO WHICH SHALL BE DEPOSITED ALL
4 MONIES, THE USE OR PURPOSE FOR EXPENDITURE OF WHICH IS NOT
5 RESTRICTED, THAT ARE RECEIVED BY THE STATE FROM ANY SETTLEMENT OR
6 JUDGEMENT IN LITIGATION AGAINST TOBACCO COMPANIES OR FROM ANY
7 NATIONAL TOBACCO SETTLEMENT OR FROM LEGISLATION ENACTED BY
8 CONGRESS REQUIRING TOBACCO COMPANIES TO PAY MONEY TO STATES; TO
9 PROVIDE THAT INTEREST AND INCOME EARNED ON THE PRINCIPAL OF THE
10 TRUST FUND MAY BE EXPENDED FOR SUCH PURPOSES AND IN SUCH AMOUNT AS
11 PRESCRIBED BY GENERAL LAW; TO PROVIDE THAT THE PRINCIPAL OF THE
12 TRUST FUND MAY BE EXPENDED ONLY UPON A TWO-THIRDS VOTE OF THE
13 ELECTED MEMBERSHIP OF EACH HOUSE OF THE LEGISLATURE; TO AUTHORIZE
14 THE LEGISLATURE, BY GENERAL LAW, TO PRESCRIBE A GREATER VOTE
15 REQUIREMENT FOR EXPENDITURE OF THE PRINCIPAL OF THE TRUST FUND OR
16 TO PROHIBIT THE EXPENDITURE OF ANY OF THE PRINCIPAL; TO PROVIDE
17 THAT THE LEGISLATURE SHALL PRESCRIBE THE MANNER IN WHICH MONIES IN
18 THE TRUST FUND ARE TO BE INVESTED AND MAY PLACE RESTRICTIONS,
19 CONDITIONS AND LIMITATIONS ON THE EXPENDITURE OF ANY OF THE MONIES
20 IN THE TRUST FUND; AND FOR RELATED PURPOSES.

21 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
22 MISSISSIPPI, That the following amendment to the Mississippi
23 Constitution of 1890 is proposed to the qualified electors of the
24 state:

25 Amend the Mississippi Constitution of 1890 by creating a new
26 section to read as follows:

27 "Section _____. (1) There is created in the State Treasury a
28 special trust fund into which shall be deposited all monies, the
29 use or purpose for expenditure of which is not restricted, that
30 are received or to be received by the State of Mississippi
31 resulting from:

32 (a) Any present or future settlement agreement or
33 judgment rendered by a court of competent jurisdiction in any
34 lawsuit against tobacco companies brought by the Attorney General
35 on behalf of the State of Mississippi, or brought by or on behalf

36 of another state;

37 (b) Any national tobacco settlement agreement between
38 the state attorneys general and tobacco companies; and

39 (c) Any legislation enacted by Congress requiring
40 tobacco companies to pay money to states.

41 (2) In addition, the Legislature may require, by general
42 law, monies from any other source to be deposited into the trust
43 fund.

44 (3) Interest and income earned on the principal of the trust
45 fund may be expended for such purposes and in such amount as
46 prescribed by general law. The principal of the trust fund may be
47 expended, upon a two-thirds (2/3) vote of the elected membership
48 of each house of the Legislature, for such purposes and in such
49 amount as prescribed by general law; however, the Legislature, by
50 general law, may prescribe a greater vote requirement for
51 expenditure of the principal of the trust fund or may prohibit the
52 expenditure of any of the principal. The Legislature shall
53 prescribe the manner in which monies in the trust fund are to be
54 invested and may place restrictions, conditions and limitations on
55 the expenditure of any of the monies in the trust fund. Any
56 amounts of the interest and income derived from the investment of
57 the principal of the trust fund that are not appropriated shall
58 not lapse into the State General Fund at the end of the fiscal
59 year but shall be deposited to the credit of the trust fund and
60 shall be added to and become a part of the principal."

61 BE IT FURTHER RESOLVED, That this proposed amendment shall be
62 submitted by the Secretary of State to the qualified electors at
63 an election held on the first Tuesday after the first Monday of
64 November 1999, as provided by Section 273 of the Constitution and
65 by general law.

66 BE IT FURTHER RESOLVED, That the explanation of this
67 amendment for the ballot shall read as follows: "This proposed
68 constitutional amendment creates a trust fund in the State
69 Treasury and requires monies received by the state from any
70 tobacco litigation or settlement, the expenditure of which is not
71 restricted, to be deposited into the fund. Interest earned on the
72 principal may be expended by the Legislature but the principal of

73 the trust fund may be expended only upon a two-thirds vote of the
74 elected membership of both houses of the Legislature."