

By: Representative Rotenberry

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 59

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) Ninety-four percent (94%) of the interest and income
45 earned on the principal of the trust fund may be expended by a
46 sixty percent (60%) majority vote of the Legislature for such
47 purposes and in such amount as prescribed by general law. The
48 principal of the trust fund may be expended, upon a two-thirds
49 (2/3) vote of the elected membership of each house of the
50 Legislature, for such purposes and in such amount as prescribed by
51 general law; however, the Legislature, by general law, may
52 prescribe a greater vote requirement for expenditure of the
53 principal of the trust fund or may prohibit the expenditure of any
54 of the principal. The Legislature shall prescribe the manner in
55 which monies in the trust fund are to be invested and may place
56 restrictions, conditions and limitations on the expenditure of any
57 of the monies in the trust fund. Any amounts of the interest and
58 income derived from the investment of the principal of the trust
59 fund that are not appropriated shall not lapse into the State
60 General Fund at the end of the fiscal year but shall be deposited
61 to the credit of the trust fund and shall be added to and become a
62 part of the principal."

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

68 BE IT FURTHER RESOLVED, That the explanation of this
69 amendment for the ballot shall read as follows: "This proposed
70 constitutional amendment creates a trust fund in the State
71 Treasury and requires monies received by the state from any
72 tobacco litigation or settlement, the expenditure of which is not

73 restricted, to be deposited into the fund. Interest earned on the
74 principal may be expended by the Legislature but the principal of
75 the trust fund may be expended only upon a two-thirds vote of the
76 elected membership of both houses of the Legislature."