AN ACT TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE TREASURER TO TRANSFER A CERTAIN SUM FROM THE 2002 TOBACCO SETTLEMENT INSTALLMENT PAYMENT INTO THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE THAT THE LEGISLATURE SHALL APPROPRIATE THAT SUM TO THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER TO BE USED FOR THE TRAINING OF HEALTH CARE PROFESSIONALS AND ALLIED HEALTH PERSONNEL AND FOR THE OPERATION OF THE UNIVERSITY HOSPITAL; TO AMEND SECTION 43-13-405, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

(a) In fiscal year 2000, Fifty Million Dollars ($50,000,000.00);
(b) In fiscal year 2001, Fifty-five Million Dollars ($55,000,000.00);
(c) In fiscal year 2002, Sixty Million Five Hundred Thousand Dollars ($60,500,000.00);
(d) In fiscal year 2003, Sixty-six Million Five Hundred Fifty Thousand Dollars ($66,550,000.00);
(e) In fiscal year 2004 and each subsequent fiscal year, a sum equal to the average annual amount of the income from the investment of the funds in the Health Care Trust Fund since July 1, 1999.

(2) In any fiscal year in which interest and dividends from the investment of the funds in the Health Care Trust Fund are not

H. B. No. 1049
02/HR40/R1059
PAGE 1 (RF\BD)
sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.

(3) The State Treasurer shall transfer the sum of Sixteen Million Four Hundred Twenty-five Thousand Two Hundred Sixty-seven Dollars ($16,425,267.00) from the 2002 tobacco settlement installment payment into the Health Care Expendable Fund. The Legislature shall appropriate that sum from the Health Care Expendable Fund to the University of Mississippi Medical Center to be used for (a) the training of physicians, dentists, nurses and other health care professionals and allied health personnel at the School of Medicine, the School of Dentistry, the School of Nursing and the School of Health Related Professions, and (b) the operation of the University Hospital.

(4) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund.

(5) The funds in the Health Care Expendable Fund shall be available for expenditure pursuant to specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.

SECTION 2. Section 43-13-405, Mississippi Code of 1972, is amended as follows:

43-13-405. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Trust Fund, into which shall be deposited Two Hundred Eighty Million Dollars ($280,000,000.00) of the funds received by the State of Mississippi as a result of the tobacco settlement as of the end of fiscal year 1999, and all tobacco settlement
installment payments made in subsequent years for which the use or
purpose for expenditure is not restricted by the terms of the
settlement, except as otherwise provided in Section 43-13-407(2)
and (3). All income from the investment of the funds in the
Health Care Trust Fund shall be credited to the account of the
Health Care Trust Fund. The funds in the Health Care Trust Fund
at the end of a fiscal year shall not lapse into the State General
Fund.

(2) The Health Care Trust Fund shall remain inviolate and
shall never be expended, except as provided in this article. The
Legislature shall appropriate from the Health Care Trust Fund such
sums as are necessary to recoup any funds lost as a result of any
of the following actions:

(a) The federal Health Care Finance Administration, or
other agency of the federal government, is successful in recouping
tobacco settlement funds from the State of Mississippi;

(b) The federal share of funds for the support of the
Mississippi Medicaid Program is reduced directly or indirectly as
a result of the tobacco settlement;

(c) Federal funding for any other program is reduced as
a result of the tobacco settlement; or

(d) Tobacco cessation programs are mandated by the
federal government or court order.

SECTION 3. This act shall take effect and be in force from
and after its passage.