

By: Representative Warren

To: Appropriations

HOUSE BILL NO. 534
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-13-405, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE SECTION THAT ESTABLISHES
3 THE HEALTH CARE TRUST FUND IN THE STATE TREASURY; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 43-13-405, Mississippi Code of 1972, is
7 amended as follows:

8 43-13-405. (1) In accordance with the purposes of this
9 article, there is established in the State Treasury the Health
10 Care Trust Fund, into which shall be deposited Two Hundred Eighty
11 Million Dollars (\$280,000,000.00) of the funds received by the
12 State of Mississippi as a result of the tobacco settlement as of
13 the end of fiscal year 1999, and all tobacco settlement
14 installment payments made in subsequent years for which the use or
15 purpose for expenditure is not restricted by the terms of the
16 settlement, except as otherwise provided in Section 43-13-407(2)
17 and (3). All income from the investment of the funds in the
18 Health Care Trust Fund shall be credited to the account of the
19 Health Care Trust Fund. The funds in the Health Care Trust Fund
20 at the end of a fiscal year shall not lapse into the State General
21 Fund.

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

27 (a) The federal Centers for Medicare and Medicaid
28 Services, or other agency of the federal government, is successful

29 in recouping tobacco settlement funds from the State of
30 Mississippi;

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

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

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

38 (3) This section shall stand repealed on July 1, 2010.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2006.