

By: Senator(s) Gordon

To: Appropriations

SENATE BILL NO. 2777
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE SCHEDULE FOR PAYMENT FROM THE HEALTH CARE TRUST FUND
3 INTO THE HEALTH CARE EXPENDABLE FUND; TO DIRECT THE STATE FISCAL
4 OFFICER TO TRANSFER A CERTAIN AMOUNT TO THE BUDGET CONTINGENCY
5 FUND FROM THE STATE GENERAL FUND DURING FISCAL YEAR 2008; TO
6 AUTHORIZE THE TRANSFER OF CERTAIN FUNDS FROM THE SPECIAL FUND POOL
7 TO THE STATE BOARD OF OPTOMETRY AND THE VETERANS' HOME PURCHASE
8 BOARD TO OFFSET TEMPORARY CASH FLOW DEFICIENCIES; AND FOR RELATED
9 PURPOSES.

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

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

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

17 (a) In fiscal year 2005, Four Hundred Fifty-six Million
18 Dollars (\$456,000,000.00);

19 (b) In fiscal year 2006, One Hundred Eighty-six Million
20 Dollars (\$186,000,000.00);

21 (c) In fiscal year 2007, One Hundred Eighty-six Million
22 Dollars (\$186,000,000.00);

23 (d) In fiscal year 2008, One Hundred Six Million
24 Dollars (\$106,000,000.00);

25 (e) In fiscal year 2009, Sixty-six Million Dollars
26 (\$66,000,000.00);

27 (f) In fiscal year 2010 and each fiscal year
28 thereafter, a sum equal to the average annual amount of the
29 dividends, interest and other income, including increases in value

30 of the principal, earned on the funds in the Health Care Trust
31 Fund during the preceding four (4) fiscal years.

32 (2) In any fiscal year in which interest, dividends and
33 other income from the investment of the funds in the Health Care
34 Trust Fund are not sufficient to fund the full amount of the
35 annual transfer into the Health Care Expendable Fund as required
36 in subsection (1)(f) of this section, the State Treasurer shall
37 transfer from tobacco settlement installment payments an amount
38 that is sufficient to fully fund the amount of the annual
39 transfer.

40 (3) On March 6, 2002, the State Treasurer shall transfer the
41 sum of Eighty-seven Million Dollars (\$87,000,000.00) from the
42 Health Care Trust Fund into the Health Care Expendable Fund. In
43 addition, at the time the State of Mississippi receives the
44 tobacco settlement installment payments for each of the calendar
45 years 2002 and 2003, the State Treasurer shall deposit the full
46 amount of each of those installment payments into the Health Care
47 Expendable Fund.

48 (4) The total sum of Two Hundred Forty Million Dollars
49 (\$240,000,000.00) plus interest at the rate of five percent (5%)
50 per annum shall be transferred into the Health Care Trust Fund
51 from the State General Fund during fiscal years 2009 through 2016
52 to repay the trust fund for Two Hundred Forty Million Dollars
53 (\$240,000,000.00) of the total sum that is transferred from the
54 trust fund to the Health Care Expendable Fund during fiscal year
55 2005 under subsection (1)(a) of this section. The repayment shall
56 be made according to the following schedule: During each of
57 fiscal years 2009 through 2015, the State Fiscal Officer shall
58 transfer from the General Fund to the Health Care Trust Fund the
59 sum of Thirty-eight Million Dollars (\$38,000,000.00), and during
60 fiscal year 2016 the State Fiscal Officer shall transfer from the
61 State General Fund to the Health Care Trust Fund a sum in the
62 amount certified by the State Treasurer as necessary to fully

63 repay the balance of the Two Hundred Forty Million Dollars
64 (\$240,000,000.00) plus interest at the rate of five percent (5%)
65 per annum.

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

71 (6) The funds in the Health Care Expendable Fund shall be
72 available for expenditure under specific appropriation by the
73 Legislature beginning in fiscal year 2000, and shall be expended
74 exclusively for health care purposes.

75 (7) The provisions of subsection (1) of this section may not
76 be changed in any manner except upon amendment to that subsection
77 by a bill enacted by the Legislature with a vote of not less than
78 three-fifths (3/5) of the members of each house present and
79 voting.

80 (8) Subsections (1), (2), (5) and (6) of this section shall
81 stand repealed on July 1, 2009.

82 **SECTION 2.** During fiscal year 2008, the State Fiscal Officer
83 shall transfer to the Budget Contingency Fund created in Section
84 27-103-301, out of the following enumerated funds, the amount
85 listed below from each fund:

| 86 | Agency/Fund | Fund No. | Amount |
|----|------------------------------------|-----------------|------------------------|
| 87 | State General Fund | | \$37,240,000.00 |
| 88 | DPS - Emergency Telecommunications | | |
| 89 | Standards and Training Board | 3744 | 500,000.00 |
| 90 | Criminal Justice Fund | 3086 | 990,000.00 |
| 91 | DFA - Tort Claims Fund | 3080 | 1,500,000.00 |
| 92 | Treasury Department - Unclaimed | | |
| 93 | Property | 3178 | <u>3,000,000.00</u> |
| 94 | TOTAL | | \$43,230,000.00 |

95 **SECTION 3.** It is the intention of the Legislature that the
96 State Fiscal Officer shall transfer from the special fund pool
97 funds in the amount of Thirty-five Thousand Dollars (\$35,000.00),
98 or so much thereof as may be requested, to the Board of Optometry
99 to offset any temporary cash flow deficiencies in the fiscal year
100 ending June 30, 2008. The Board of Optometry shall make its
101 request to the State Fiscal Officer, in writing, with proper
102 justification, prior to the transfer of said funds.

103 Prior to June 30, 2008, the Board of Optometry shall transfer
104 from any money in the State Treasury to the credit of the Board of
105 Optometry to the State Treasurer sufficient funds to repay the
106 special funds that were made available to offset temporary cash
107 flow deficiencies in the fiscal year ending June 30, 2008. The
108 State Fiscal Officer shall allocate this repayment back to the
109 special fund pool.

110 This section shall stand repealed from and after July 1,
111 2008.

112 **SECTION 4.** It is the intention of the Legislature that the
113 State Fiscal Officer shall transfer from the special fund pool
114 funds in the amount of Two Million Dollars (\$2,000,000.00), or so
115 much thereof as may be requested, to the Veterans' Home Purchase
116 Board to offset any shortage of funds in the fiscal year ending
117 June 30, 2008. The Veterans' Home Purchase Board shall make its
118 request to the State Fiscal Officer, in writing, with proper
119 justification, prior to the transfer of said funds.

120 Prior to June 30, 2008, the Veterans' Home Purchase Board
121 shall transfer from any money in the State Treasury to the credit
122 of the Veterans' Home Purchase Board to the State Fiscal Officer
123 sufficient funds to repay the special funds that were made
124 available to offset any shortage of funds in the fiscal year
125 ending June 30, 2008. The State Fiscal Officer shall allocate
126 this repayment back to the special fund pool.

127 This section shall stand repealed from and after July 1,
128 2008.

129 **SECTION 5.** This act shall take effect and be in force from
130 and after its passage.