

Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2777

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

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

22 (c) In fiscal year 2007, One Hundred Forty-six Million
23 Dollars (\$146,000,000.00);

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

26 (e) In fiscal year 2009, Sixty-six Million Dollars
27 (\$66,000,000.00);

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

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

(2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) 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) On March 6, 2002, the State Treasurer shall transfer the sum of Eighty-seven Million Dollars (\$87,000,000.00) from the Health Care Trust Fund into the Health Care Expendable Fund. In addition, at the time the State of Mississippi receives the tobacco settlement installment payments for each of the calendar years 2002 and 2003, the State Treasurer shall deposit the full amount of each of those installment payments into the Health Care Expendable Fund.

(4) The total sum of Two Hundred Forty Million Dollars (\$240,000,000.00) plus interest at the rate of five percent (5%) per annum shall be transferred into the Health Care Trust Fund from the State General Fund during fiscal years 2009 through 2016 to repay the trust fund for Two Hundred Forty Million Dollars (\$240,000,000.00) of the total sum that is transferred from the trust fund to the Health Care Expendable Fund during fiscal year 2005 under subsection (1)(a) of this section. The repayment shall be made according to the following schedule: During each of fiscal years 2009 through 2015, the State Fiscal Officer shall transfer from the General Fund to the Health Care Trust Fund the sum of Thirty-eight Million Dollars (\$38,000,000.00), and during fiscal year 2016 the State Fiscal Officer shall transfer from the State General Fund to the Health Care Trust Fund a sum in the

63 amount certified by the State Treasurer as necessary to fully
64 repay the balance of the Two Hundred Forty Million Dollars
65 (\$240,000,000.00) plus interest at the rate of five percent (5%)
66 per annum.

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

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

76 (7) In addition to the transfers made to the Health Care
77 Expendable Fund under subsection (1) of this section, during
78 fiscal year 2008 and each fiscal year thereafter, the sum of
79 Twenty Million Dollars (\$20,000,000.00) shall be transferred from
80 the Health Care Trust Fund to the Tobacco Control Commission Fund
81 established in Section 2 of this act.

82 (8) The provisions of subsection (1) of this section may not
83 be changed in any manner except upon amendment to that subsection
84 by a bill enacted by the Legislature with a vote of not less than
85 three-fifths (3/5) of the members of each house present and
86 voting.

87 (9) Subsections (1), (2), (5) and (6) of this section shall
88 stand repealed on July 1, 2009.

89 **SECTION 2.** (1) There is established in the State Treasury a
90 special fund to be known as the Tobacco Control Commission Fund,
91 which shall be comprised of the funds transferred from the Health
92 Care Trust Fund under Section 43-13-407(7) and any other funds
93 that are authorized or required to be deposited into the special
94 fund.

95 (2) The Legislature shall annually appropriate the funds in
96 the special fund to the Mississippi Tobacco Control Commission,
97 which shall expend the funds solely for the purposes specified in
98 Sections 13 through 17 of Senate Bill No. 2764, 2007 Regular
99 Session. None of the funds in the special fund may be transferred
100 to any other fund or appropriated or expended for any other
101 purpose.

102 (3) All income from the investment of the funds in the
103 special fund shall be credited to the account of the special fund.
104 Any funds in the special fund at the end of a fiscal year shall
105 not lapse into the State General Fund.

106 **SECTION 3.** During fiscal year 2008, the State Fiscal Officer
107 shall transfer to the Budget Contingency Fund created in Section
108 27-103-301 from the State General Fund an amount equal to
109 Thirty-seven Million Two Hundred Forty Thousand Dollars
110 (\$37,240,000.00).

111 **SECTION 4.** This act shall take effect and be in force from
112 and after July 1, 2007.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE SCHEDULE FOR REPAYMENT OF THE HEALTH CARE TRUST FUND
3 FOR A CERTAIN AMOUNT THAT WAS TRANSFERRED TO THE HEALTH CARE
4 EXPENDABLE FUND DURING FISCAL YEAR 2005; TO PROVIDE FOR AN ANNUAL
5 TRANSFER OF \$20,000,000.00 FROM THE HEALTH CARE TRUST FUND INTO
6 THE TOBACCO CONTROL COMMISSION FUND; TO ESTABLISH IN THE STATE
7 TREASURY A SPECIAL FUND TO BE KNOWN AS THE TOBACCO CONTROL
8 COMMISSION FUND; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER A
9 CERTAIN AMOUNT TO THE BUDGET CONTINGENCY FUND FROM THE STATE
10 GENERAL FUND DURING FISCAL YEAR 2008; AND FOR RELATED PURPOSES.