

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2690**

**BY: Committee**

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

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

7       43-13-407. (1) In accordance with the purposes of this  
8 article, there is established in the State Treasury the Health  
9 Care Expendable Fund, into which shall be transferred from the  
10 Health Care Trust Fund the following sums:

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

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



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

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

(e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars (\$92,250,000.00);

(f) In the fiscal year beginning after the calendar year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3) (d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the 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) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment



40 payment for each calendar year, the State Treasurer shall deposit  
41 the following amounts of each of those installment payments into  
42 the Health Care Expendable Fund:

43 (a) In calendar years 2009 and 2010, the total amount  
44 of the installment payment;

45 (b) In calendar year 2011, the amount of the  
46 installment payment less Ten Million Dollars (\$10,000,000.00);

47 (c) In calendar years 2012, 2013 and 2014, the total  
48 amount of the installment payment;

49 (d) In calendar year 2015, and each calendar year  
50 thereafter, the total amount of the installment payment.

51 (4) (a) In addition to any other sums required to be  
52 transferred from the Health Care Trust Fund to the Health Care  
53 Expendable Fund, the sum of One Hundred Twelve Million Dollars  
54 (\$112,000,000.00) shall be transferred from the Health Care Trust  
55 Fund to the Health Care Expendable Fund in fiscal year 2011.

56 (b) In addition to any other sums required to be  
57 transferred from the Health Care Trust Fund to the Health Care  
58 Expendable Fund, the sum of Fifty-six Million Two Hundred  
59 Sixty-three Thousand Four Hundred Thirty-eight Dollars  
60 (\$56,263,438.00) shall be transferred from the Health Care Trust  
61 Fund to the Health Care Expendable Fund during fiscal year 2012.

62 (c) In addition to any other sums required to be  
63 transferred from the Health Care Trust Fund to the Health Care  
64 Expendable Fund, the sum of Ninety-seven Million Four Hundred



Fifty Thousand Three Hundred Thirty-two Dollars (\$97,450,332.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2013.

(d) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Twenty-three Million One Hundred Thousand Dollars (\$23,100,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2014.

(e) The State Fiscal Officer shall transfer the entire balance in the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2015.

(5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount and at such time as requested by the Governor to reconcile the deficit.

(6) 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. Any funds appropriated from the Health



Care Expendable Fund that are unexpended at the end of a fiscal year shall lapse into the Health Care Expendable Fund.

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

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

(9) If the State Treasurer, in consultation with the Executive Director of the Department of Finance and Administration, determines that there is a need to borrow funds to offset any temporary cash-flow deficiencies in the Health Care Expendable Fund created in this section, the Treasurer may borrow those funds from any state-source special funds in the State Treasury in amounts that can be repaid from the Health Care Expendable Fund during the fiscal year in which the funds are borrowed. The State Treasurer shall immediately notify the Legislative Budget Office and the Department of Finance and Administration of each transfer into and out of the Health Care Expendable Fund.

(10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health



115 Care Trust Fund an amount equivalent to the unencumbered ending  
116 cash balance of the Health Care Expendable Fund as of June 30,  
117 2011, less Three Million Eight Hundred Forty Thousand Dollars  
118 (\$3,840,000.00) .

119 \* \* \*

120 **SECTION 2.** This act shall take effect and be in force from  
121 and after July 1, 2025.

**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 DELATE THE REPEALER ON CERTAIN PROVISIONS RELATING TO THE  
3 HEALTH CARE EXPENDABLE FUND; AND FOR RELATED PURPOSES.

