

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1408**

**BY: Committee**

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

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

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

12                   (a) In fiscal year 2005, Four Hundred Sixteen Million  
13 Dollars (\$416,000,000.00);

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

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

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

20                   (e) In fiscal year 2009, Sixty-six Million Dollars  
21 (\$66,000,000.00);

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

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

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

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

43 (b) If during any fiscal year after March 6, 2002, the  
44 general fund revenues received by the state exceed the general  
45 fund revenues received during the previous fiscal year by more  
46 than five percent (5%), the Legislature shall repay to the Health  
47 Care Trust Fund one-third (1/3) of the amount of the general fund  
48 revenues that exceed the five percent (5%) growth in general fund  
49 revenues. The repayment required by this paragraph shall continue  
50 in each fiscal year in which there is more than five percent (5%)  
51 growth in general fund revenues, until the full amount of the  
52 funds that were transferred and deposited into the Health Care  
53 Expendable Fund under the provisions of paragraph (a) of this  
54 subsection have been repaid to the Health Care Trust Fund.

55 (4) All income from the investment of the funds in the  
56 Health Care Expendable Fund shall be credited to the account of

57 the Health Care Expendable Fund. Any funds in the Health Care  
58 Expendable Fund at the end of a fiscal year shall not lapse into  
59 the State General Fund.

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

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

69 (7) Subsections (1), (2), (4) and (5) of this section shall  
70 stand repealed on July 1, 2009.

71 **SECTION 2.** This act shall take effect and be in force from  
72 and after its passage.

**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 PROVIDE THAT IN FISCAL YEAR 2005 CERTAIN ADDITIONAL SUMS SHALL  
3 BE TRANSFERRED FROM THE HEALTH CARE TRUST FUND TO THE HEALTH CARE  
4 EXPENDABLE FUND; AND FOR RELATED PURPOSES.