

SENATE BILL No. 988

May 24, 2016, Introduced by Senators STAMAS, SHIRKEY, PROOS, HORN and MACGREGOR and referred to the Committee on Michigan Competitiveness.

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 2 and 6 (MCL 12.252 and 12.256), section 2 as amended by 2005 PA 232, and by adding section 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 **(A) "HEALTH SERVICES FUND" MEANS THE HEALTH SERVICES FUND**
3 **CREATED IN SECTION 11.**

4 **(B)** ~~(a)~~-"Medicaid benefits trust fund" means the Michigan
5 ~~medicaid~~ **MEDICAID** benefits trust fund established in section 5.

6 **(C)** ~~(b)~~-"Medicaid program" means a program for medical
7 assistance established under title XIX of the social security act,
8 chapter 531, ~~49 Stat. 620, 42 USC 1396 to 1396f, 1396g-1 to 1396r-~~
9 ~~6, and 1396r-8 to 1396v.~~ **1396W-5.**

10 **(D)** ~~(e)~~-"Medicaid special financing payments" means the

1 ~~medicaid~~-**MEDICAID** special adjustor payments each year authorized in
2 the department of community health appropriations act.

3 (E) ~~(d)~~—"Michigan merit award trust fund" means the Michigan
4 merit award trust fund established in section 9.

5 (F) ~~(e)~~—"Residual tobacco settlement revenue" means any
6 residual interests, as defined by the Michigan tobacco settlement
7 finance authority act, that are received by this state.

8 (G) ~~(f)~~—"Tobacco settlement revenue" means money received by
9 this state that is attributable to the master settlement agreement
10 incorporated into a consent decree and final judgment entered into
11 on December 7, 1998 in Kelly Ex Rel. Michigan v Philip Morris
12 Incorporated, et al., Ingham ~~county~~-**COUNTY** circuit court, docket
13 no. 96-84281CZ, including any rights to receive money attributable
14 to the master settlement agreement that has been sold by this
15 state.

16 (H) ~~(g)~~—"21st century jobs trust fund" means the 21st century
17 jobs trust fund established in section 7.

18 Sec. 6. The legislature shall authorize the expenditure of
19 ~~medicaid~~-**MEDICAID** benefits trust fund revenues through an
20 appropriation act only for 1 or more of the following purposes:

21 (a) To finance a shortfall in the ~~medicaid~~-**MEDICAID** program
22 due to a disallowance of ~~medicaid~~-**MEDICAID** payments from the
23 federal government.

24 (b) To offset any decline in revenue caused by federal
25 ~~medicaid~~-**MEDICAID** policy changes.

26 (C) **FOR ANY OTHER PURPOSE AS PROVIDED BY LAW.**

27 **SEC. 11. (1) THE HEALTH SERVICES FUND IS CREATED WITHIN THE**

1 STATE TREASURY.

2 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
3 ANY SOURCE FOR DEPOSIT INTO THE HEALTH SERVICES FUND. THE STATE
4 TREASURER SHALL DIRECT THE INVESTMENT OF THE HEALTH SERVICES FUND.
5 THE STATE TREASURER SHALL CREDIT TO THE HEALTH SERVICES FUND
6 INTEREST AND EARNINGS FROM HEALTH SERVICES FUND INVESTMENTS.

7 (3) MONEY IN THE HEALTH SERVICES FUND AT THE CLOSE OF THE
8 FISCAL YEAR SHALL REMAIN IN THE HEALTH SERVICES FUND AND SHALL NOT
9 LAPSE TO THE GENERAL FUND.

10 (4) THE DEPARTMENT OF TREASURY SHALL BE THE ADMINISTRATOR OF
11 THE HEALTH SERVICES FUND FOR AUDITING PURPOSES.

12 (5) THE DEPARTMENT OF TREASURY SHALL EXPEND MONEY FROM THE
13 HEALTH SERVICES FUND, UPON APPROPRIATION, ONLY AS PROVIDED IN THIS
14 SECTION. ON THE FIRST DAY OF EACH MONTH, THE STATE TREASURER SHALL
15 MAKE A DISTRIBUTION FROM THE HEALTH SERVICES FUND IN THE FOLLOWING
16 ORDER OF PRIORITY:

17 (A) PER STATE FISCAL YEAR, \$2,000,000.00 TO THE FUND DESCRIBED
18 IN SECTION 5402 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
19 PROTECTION ACT, 1994 PA 451, MCL 324.5402. THE FUNDS DISTRIBUTED
20 SUBJECT TO THIS SUBDIVISION SHALL BE USED EXCLUSIVELY FOR ASSISTING
21 QUALIFIED WATER SUPPLIERS IN SATISFYING THE REQUIREMENTS OF THE
22 FEDERAL SAFE DRINKING WATER ACT DESCRIBED IN SECTION 5402 OF THE
23 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
24 MCL 324.5402, AND FOR THE DISTRIBUTION OF LOW-INTEREST LOANS AND
25 GRANTS TO COMMUNITY AND NONCOMMUNITY QUALIFIED WATER SUPPLIERS.

26 (B) PER STATE FISCAL YEAR, NOT LESS THAN \$100,000,000.00 SHALL
27 BE DISTRIBUTED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR

1 COMMUNITY MENTAL HEALTH NON-MEDICAID SERVICES. NO LESS THAN 5% OF
2 THE FUNDS DISTRIBUTED SUBJECT TO THIS SUBDIVISION SHALL BE USED TO
3 SUPPORT STATEWIDE ADVERSE CHILDHOOD EXPERIENCE INTERVENTION
4 SERVICES.

5 (C) PER STATE FISCAL YEAR, \$30,000,000.00 SHALL BE DISTRIBUTED
6 TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR LOCAL PUBLIC
7 HEALTH FOR NON-MEDICAID SERVICES.

8 (D) PER STATE FISCAL YEAR, EXCEPT AS OTHERWISE PROVIDED IN
9 THIS SUBDIVISION, NOT LESS THAN \$204,000,000.00 SHALL BE
10 DISTRIBUTED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE
11 FEDERAL MEDICARE PHARMACEUTICAL PROGRAM. FOR THE FISCAL YEAR 2016-
12 2017 ONLY, NOT LESS THAN \$150,000,000.00 SHALL BE DISTRIBUTED TO
13 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE FEDERAL
14 MEDICARE PHARMACEUTICAL PROGRAM.

15 (E) AFTER THE DISTRIBUTIONS DESCRIBED IN SUBDIVISIONS (A) TO
16 (D), AN AMOUNT THAT EQUALS THE REMAINING FUNDS AVAILABLE SHALL BE
17 DISTRIBUTED TO THE DEPARTMENT OF CORRECTIONS FOR CLINICAL AND
18 MENTAL HEALTH SERVICES.

19 (6) MONEY DEPOSITED INTO THE HEALTH SERVICES FUND PURSUANT TO
20 THIS SECTION SHALL NOT BE USED FOR ANY MEDICAID BENEFITS PROVIDED
21 UNDER THE MEDICAL ASSISTANCE PROGRAM CREATED UNDER SECTIONS 105 AND
22 105D OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.105 AND
23 400.105D, OR FOR THE MEDICAL SERVICES ADMINISTRATION WITHIN THE
24 DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADMINISTRATION OF
25 THE MEDICAL ASSISTANCE PROGRAM CREATED UNDER SECTIONS 105 AND 105D
26 OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.105 AND 400.105D.

27 Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 98th Legislature are
2 enacted into law:

3 (a) Senate Bill No. 989.

4

5 (b) Senate Bill No. 987.

6

7 (c) Senate Bill No. 990.

8