

By: Representatives Morris, Holland, Flagg To: Rules

HOUSE CONCURRENT RESOLUTION NO. 85  
(As Adopted by the House)

1 A CONCURRENT RESOLUTION SUSPENDING THE DEADLINES FOR THE  
2 PURPOSE OF REQUESTING THE DRAFTING, AND THE INTRODUCTION,  
3 CONSIDERATION AND PASSAGE, OF A BILL ENTITLED "AN ACT TO AMEND  
4 SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN  
5 ADDITIONAL AMOUNT SHALL BE TRANSFERRED FROM THE HEALTH CARE TRUST  
6 FUND TO THE HEALTH CARE EXPENDABLE FUND IN FISCAL YEAR 2005; TO  
7 REQUIRE THAT THE ADDITIONAL AMOUNT TRANSFERRED TO THE HEALTH CARE  
8 EXPENDABLE FUND SHALL BE APPROPRIATED TO THE DIVISION OF MEDICAID  
9 FOR FISCAL YEAR 2005; TO PROVIDE THAT ALL MONIES TRANSFERRED FROM  
10 THE HEALTH CARE TRUST FUND MUST BE USED FOR HEALTH CARE SERVICES  
11 AND ADMINISTRATION; TO AMEND SECTIONS 27-69-3, 27-69-5, 27-69-7,  
12 27-69-11, 27-69-13 AND 27-69-41, MISSISSIPPI CODE OF 1972, TO  
13 INCREASE THE EXCISE TAX ON CIGARETTES AND OTHER TOBACCO PRODUCTS;  
14 TO DEFINE THE TERMS "TOBACCO SETTLEMENT," "NONPARTICIPATING  
15 MANUFACTURER" AND "PARTICIPATING MANUFACTURER" FOR PURPOSES OF THE  
16 STATE TOBACCO TAX LAW; TO REQUIRE THAT CIGARETTE MANUFACTURERS PAY  
17 AN EQUITY ASSESSMENT OF TWO CENTS PER CIGARETTE ON ALL CIGARETTES  
18 SUBJECT TO THE CIGARETTE EXCISE TAX; TO PROVIDE THAT THE EQUITY  
19 ASSESSMENT SHALL BE INCREASED ANNUALLY BY THREE PERCENT OR THE  
20 INCREASE IN THE CONSUMER PRICE INDEX WHICHEVER IS GREATER; TO  
21 PROVIDE THAT CIGARETTE WHOLESALERS MUST PROVIDE CIGARETTE  
22 MANUFACTURERS MONTHLY REPORTS SETTING FORTH THE NUMBER OF  
23 CIGARETTES ON WHICH TOBACCO TAX STAMPS WERE AFFIXED DURING THE  
24 PRECEDING MONTH AND IDENTIFYING THOSE CIGARETTES BY MANUFACTURER,  
25 BRAND AND STYLE; TO PROVIDE A CREDIT AGAINST THE EQUITY ASSESSMENT  
26 FOR ANNUAL TOBACCO SETTLEMENT INSTALLMENTS MADE BY PARTICIPATING  
27 MANUFACTURERS; TO PROVIDE PENALTIES FOR THE FAILURE OF A CIGARETTE  
28 MANUFACTURER TO PAY THE EQUITY ASSESSMENT; TO PROVIDE PENALTIES  
29 FOR THE FAILURE OF A WHOLESALER TO PROVIDE INFORMATION TO A  
30 MANUFACTURER NECESSARY FOR THE MANUFACTURER TO COMPUTE THE EQUITY  
31 ASSESSMENT; TO AMEND SECTION 27-69-75, MISSISSIPPI CODE OF 1972,  
32 TO PROVIDE THAT THE REVENUE DERIVED FROM THE TAX INCREASES AND THE  
33 EQUITY ASSESSMENT PROVIDED FOR BY THIS ACT SHALL BE DEPOSITED INTO  
34 THE HEALTH CARE TRUST FUND UNTIL SUCH TIME AS THE STATE TREASURER  
35 DETERMINES THAT A TOTAL SUM EQUAL TO THE AMOUNT TRANSFERRED TO THE  
36 HEALTH CARE EXPENDABLE FUND UNDER THIS ACT HAS BEEN DEPOSITED INTO  
37 THE TRUST FUND, AND THEREAFTER THE REVENUE DERIVED FROM THE TAX  
38 INCREASES AND THE EQUITY ASSESSMENT SHALL BE DEPOSITED INTO THE  
39 SPECIAL FUND IN THE STATE TREASURY TO THE CREDIT OF THE GOVERNOR'S  
40 OFFICE-DIVISION OF MEDICAID; AND FOR RELATED PURPOSES."

41 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE  
42 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the Joint  
43 Rules of the House and the Senate, including all the deadlines and  
44 other provisions imposed by Joint Rule No. 40, are suspended for  
45 the purpose of requesting the drafting, and the introduction,  
46 consideration and passage, of a bill entitled "AN ACT TO AMEND

47 SECTION 1-13-407, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN  
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