

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2880

1 AN ACT TO AMEND SECTION 27-69-75, MISSISSIPPI CODE OF 1972,
2 AS AMEND BY SENATE BILL NO. 2310, 2006 REGULAR SESSION, TO
3 INCREASE THE AMOUNT OF REVENUE FROM THE TOBACCO EXCISE TAX THAT IS
4 DEPOSITED INTO THE MUNICIPAL TOBACCO TAX DIVERSION FUND; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 27-69-75, Mississippi Code of 1972, as
8 amended by Senate Bill No. 2310, 2006 Regular Session, is amended
9 as follows:

10 27-69-75. (1) All taxes levied by this chapter shall be
11 payable to the commissioner in cash, or by personal check,
12 cashier's check, bank exchange, post office money order or express
13 money order, and shall be deposited by the commissioner in the
14 State Treasury on the same day collected. No remittance other
15 than cash shall be a final discharge of liability for the tax
16 assessed and levied under this chapter, unless and until it has
17 been paid in cash to the commissioner.

18 (2) Of the revenue collected monthly as a result of the tax
19 assessed and levied under this chapter:

20 (a) (i) Through June 30, 2007, One Million Eight
21 Hundred Thousand Dollars (\$1,800,000.00) shall be deposited by the
22 commissioner into the Municipal Tobacco Tax Diversion Fund created
23 under Section 5 of Senate Bill No. 2310, 2006 Regular Session.

24 (ii) From and after July 1, 2007, through June 30,
25 2008, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)
26 shall be deposited by the commissioner into the Municipal Tobacco
27 Tax Diversion Fund created under Section 5 of Senate Bill No.
28 2310, 2006 Regular Session.

29 (iii) From and after July 1, 2008, through June
30 30, 2009, Two Million Eight Hundred Fifty Thousand Dollars
31 (\$2,850,000.00) shall be deposited by the commissioner into the
32 Municipal Tobacco Tax Diversion Fund created under Section 5 of
33 Senate Bill No. 2310, 2006 Regular Session.

34 (iv) From and after July 1, 2009, through June 30,
35 2010, Three Million Two Hundred Thousand Dollars (\$3,200,000.00)
36 shall be deposited by the commissioner into the Municipal Tobacco
37 Tax Diversion Fund created under Section 5 of Senate Bill No.
38 2310, 2006 Regular Session.

39 (v) From and after July 1, 2010, through June 30,
40 2011, Three Million Five Hundred Seventy-five Thousand Dollars
41 (\$3,575,000.00) shall be deposited by the commissioner into the
42 Municipal Tobacco Tax Diversion Fund created under Section 5 of
43 Senate Bill No. 2310, 2006 Regular Session.

44 (vi) From and after July 1, 2011, through June 30,
45 2012, Three Million Nine Hundred Thousand Dollars (\$3,900,000.00)
46 shall be deposited by the commissioner into the Municipal Tobacco
47 Tax Diversion Fund created under Section 5 of Senate Bill No.
48 2310, 2006 Regular Session.

49 (vii) From and after July 1, 2012, through June
50 30, 2013, Four Million Two Hundred Ninety Thousand Dollars
51 (\$4,290,000.00) shall be deposited by the commissioner into the
52 Municipal Tobacco Tax Diversion Fund created under Section 5 of
53 Senate Bill No. 2310, 2006 Regular Session.

54 (viii) From and after July 1, 2013, through June
55 30, 2014, Four Million Six Hundred Forty Thousand Dollars
56 (\$4,640,000.00) shall be deposited by the commissioner into the
57 Municipal Tobacco Tax Diversion Fund created under Section 5 of
58 Senate Bill No. 2310, 2006 Regular Session.

59 (ix) From and after July 1, 2014, Five Million
60 Five Hundred Thousand Dollars (\$5,500,000.00) shall be deposited
61 by the commissioner into the Municipal Tobacco Tax Diversion Fund

62 created under Section 5 of Senate Bill No. 2310, 2006 Regular
63 Session.

64 (b) (i) Through June 30, 2007, One Million Eighty
65 Thousand Dollars (\$1,080,000.00) shall be deposited by the
66 commissioner into the Education Enhancement Fund created under
67 Section 37-61-33.

68 (ii) From and after July 1, 2007, through June 30,
69 2008, One Million Five Hundred Twelve Thousand Dollars
70 (\$1,512,000.00) shall be deposited by the commissioner into the
71 Education Enhancement Fund created under Section 37-61-33.

72 (iii) From and after July 1, 2008, through June
73 30, 2009, One Million Seven Hundred Twenty-eight Thousand Dollars
74 (\$1,728,000.00) shall be deposited by the commissioner into the
75 Education Enhancement Fund created under Section 37-61-33.

76 (iv) From and after July 1, 2009, through June 30,
77 2010, One Million Nine Hundred Forty-four Thousand Dollars
78 (\$1,944,000.00) shall be deposited by the commissioner into the
79 Education Enhancement Fund created under Section 37-61-33.

80 (v) From and after July 1, 2010, through June 30,
81 2011, Two Million One Hundred Sixty Thousand Dollars
82 (\$2,160,000.00) shall be deposited by the commissioner into the
83 Education Enhancement Fund created under Section 37-61-33.

84 (vi) From and after July 1, 2011, through June 30,
85 2012, Two Million Three Hundred Seventy-six Thousand Dollars
86 (\$2,376,000.00) shall be deposited by the commissioner into the
87 Education Enhancement Fund created under Section 37-61-33.

88 (vii) From and after July 1, 2012, through June
89 30, 2013, Two Million Five Hundred Ninety-two Thousand Dollars
90 (\$2,592,000.00) shall be deposited by the commissioner into the
91 Education Enhancement Fund created under Section 37-61-33.

92 (viii) From and after July 1, 2013, through June
93 30, 2014, Two Million Eight Hundred Eight Thousand Dollars

94 (\$2,808,000.00) shall be deposited by the commissioner into the
95 Education Enhancement Fund created under Section 37-61-33.

96 (ix) From and after July 1, 2014, Three Million
97 Twenty-four Thousand Dollars (\$3,024,000.00) shall be deposited by
98 the commissioner into the Education Enhancement Fund created under
99 Section 37-61-33.

100 (c) (i) Through June 30, 2007, Two Hundred Seventy
101 Thousand Dollars (\$270,000.00) shall be deposited by the
102 commissioner into the School Ad Valorem Tax Reduction Fund created
103 under Section 37-61-35.

104 (ii) From and after July 1, 2007, through June 30,
105 2008, Three Hundred Seventy-eight Thousand Dollars (\$378,000.00)
106 shall be deposited by the commissioner into the School Ad Valorem
107 Tax Reduction Fund created under Section 37-61-35.

108 (iii) From and after July 1, 2008, through June
109 30, 2009, Four Hundred Thirty-two Thousand Dollars (\$432,000.00)
110 shall be deposited by the commissioner into the School Ad Valorem
111 Tax Reduction Fund created under Section 37-61-35.

112 (iv) From and after July 1, 2009, through June 30,
113 2010, Four Hundred Eighty-six Thousand Dollars (\$486,000.00) shall
114 be deposited by the commissioner into the School Ad Valorem Tax
115 Reduction Fund created under Section 37-61-35.

116 (v) From and after July 1, 2010, through June 30,
117 2011, Five Hundred Forty Thousand Dollars (\$540,000.00) shall be
118 deposited by the commissioner into the School Ad Valorem Tax
119 Reduction Fund created under Section 37-61-35.

120 (vi) From and after July 1, 2011, through June 30,
121 2012, Five Hundred Ninety-four Thousand Dollars (\$594,000.00)
122 shall be deposited by the commissioner into the School Ad Valorem
123 Tax Reduction Fund created under Section 37-61-35.

124 (vii) From and after July 1, 2012, through June
125 30, 2013, Six Hundred Forty-eight Thousand Dollars (\$648,000.00)

126 shall be deposited by the commissioner into the School Ad Valorem
127 Tax Reduction Fund created under Section 37-61-35.

128 (viii) From and after July 1, 2013, through June
129 30, 2014, Seven Hundred Two Thousand Dollars (\$702,000.00) shall
130 be deposited by the commissioner into the School Ad Valorem Tax
131 Reduction Fund created under Section 37-61-35.

132 (ix) From and after July 1, 2014, Seven Hundred
133 Fifty-six Thousand Dollars (\$756,000.00) shall be deposited by the
134 commissioner into the School Ad Valorem Tax Reduction Fund created
135 under Section 37-61-35.

136 (3) Except as otherwise provided in subsection (2) of this
137 section, all tobacco taxes collected, including tobacco license
138 taxes, shall be deposited into the State Treasury to the credit of
139 the General Fund.

140 (4) Wholesalers who are entitled to purchase stamps at a
141 discount, as provided by Section 27-69-31, may have consigned to
142 them, without advance payment, those stamps, if and when the
143 wholesaler gives to the commissioner a good and sufficient bond
144 executed by some surety company authorized to do business in this
145 state, conditioned to secure the payment for the stamps so
146 consigned. The commissioner shall require payment for those
147 stamps not later than thirty (30) days from the date the stamps
148 were consigned.

149 **SECTION 2.** This act shall take effect and be in force from
150 and after July 1, 2006.