

By: Representatives Morris, Holland, Flagg To: Rules

HOUSE CONCURRENT RESOLUTION NO. 85

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

39 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
 40 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the Joint
 41 Rules of the House and the Senate, including all the deadlines and
 42 other provisions imposed by Joint Rule No. 40, are suspended for
 43 the purpose of requesting the drafting, and the introduction,
 44 consideration and passage, of a bill entitled "AN ACT TO AMEND
 45 SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN

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47 FUND TO THE HEALTH CARE EXPENDABLE FUND IN FISCAL YEAR 2005; TO
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