- 1 HB244
- 2 135545-1
- 3 By Representative Todd (Constitutional Amendment)
- 4 RFD: Ways and Means General Fund
- 5 First Read: 09-FEB-12

135545-1:n:01/23/2012:DA/th LRS2012-48 1 2 3 4 5 6 7 SYNOPSIS: Currently, the State of Alabama levies a tax 8 on various tobacco products, including \$21.25 mills 9 10 per cigarette or \$.425 for a 20 cigarette package 11 of cigarettes. 12 This bill would propose an amendment to the 13 Constitution of Alabama of 1901, to add an additional state tax on cigarettes of 16.25 mills 14 per cigarette or an additional \$.325 per 20 15 16 cigarette pack; provide for its distribution; and 17 provide an implementation date. 18 19 A BILL 20 TO BE ENTITLED AN ACT 21 22 23 To propose an amendment to the Constitution of 24 Alabama of 1901, to provide an additional tax on cigarettes; to provide for its distribution; and to provide an 25 26 implementation date. 27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

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## PROPOSED AMENDMENT

(a) In addition to all other taxes of every kind now 8 imposed by law, every person, firm, corporation, club or 9 10 association, within the State of Alabama, who sells or stores or receives for the purpose of distribution to any person, 11 12 firm, corporation, club or association within the State of 13 Alabama, cigarettes, or any substitute therefor, shall pay to 14 the State of Alabama for state purposes only a license or 15 privilege tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm, 16 17 corporation, club, or association in Alabama. The additional license or privilege tax upon all cigarettes made of tobacco, 18 or any substitute therefor, shall be 16.25 mills per cigarette 19 or \$.325 per 20 cigarette pack and shall be implemented 20 21 pursuant to Section 40-25-2 of the Code of Alabama 1975.

(b) Notwithstanding any other provision of Chapter
25, Title 40, Code of Alabama 1975, all revenue received from
the increased tax levied by this constitutional amendment
shall be deposited into the State General Fund.

26 (c) This constitutional amendment shall become27 operative January 1, 2013.

Section 2. An election upon the proposed amendment shall be held at the general election in the November 2012, and shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

8 Section 3. The appropriate election official shall 9 assign a ballot number for the proposed constitutional 10 amendment on the election ballot and shall set forth the 11 following description of the substance or subject matter of 12 the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to provide an additional state tax on cigarettes of 16.25 mills per cigarette or an additional \$.325 per 20 cigarette pack; to provide for its distribution; and to take effect on January 1, 2013.

18 "Proposed by Act \_\_\_\_\_."

19This description shall be followed by the following20language:

21 "Yes () No ()."