

By: Representative Banks

To: Ways and Means

HOUSE BILL NO. 1104

1 AN ACT TO AMEND SECTIONS 27-71-5, 27-71-29 AND 27-71-337,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT TWENTY PERCENT OF THE
3 FUNDS GENERATED BY TAXES AND FEES ON ALCOHOLIC BEVERAGES SHALL BE
4 FORWARDED ON A PROPORTIONATE BASIS TO THE COUNTIES FROM WHICH SUCH
5 FUNDS WERE GENERATED; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 27-71-5, Mississippi Code of 1972, is
8 amended as follows:

9 27-71-5. (1) Upon each person approved for a permit under
10 the provisions of the Alcoholic Beverage Control Law and
11 amendments thereto, there is levied and imposed for each location
12 for the privilege of engaging and continuing in this state in the
13 business authorized by such permit, an annual privilege license
14 tax in the amount provided in the following schedule:

- 15 (a) Manufacturer's permit, Class 1, distiller's and/or
16 rectifier's..... \$4,500.00
- 17 (b) Manufacturer's permit, Class 2, wine manufacturer
18 \$1,800.00
- 19 (c) Manufacturer's permit, Class 3, native wine
20 manufacturer per 10,000 gallons or part thereof produced... \$10.00
- 21 (d) Native wine retailer's permit..... \$50.00
- 22 (e) Package retailer's permit, each..... \$900.00
- 23 (f) On-premises retailer's permit, except for clubs and
24 common carriers, each..... \$450.00
- 25 On purchases exceeding \$5,000.00 and for each additional
26 \$5,000.00, or fraction thereof..... \$225.00

27 (g) On-premises retailer's permit for wine of more than
28 four percent (4%) alcohol by volume, but not more than twenty-one
29 percent (21%) alcohol by volume (each)..... \$225.00
30 On purchases exceeding \$5,000.00 and for each additional
31 \$5,000.00, or fraction thereof..... \$225.00
32 (h) On-premises retailer's permit for clubs.... \$225.00
33 On purchases exceeding \$5,000.00 and for each additional
34 \$5,000.00, or fraction thereof..... \$225.00
35 (i) On-premises retailer's permit for common carriers,
36 per car, plane, or other vehicle..... \$120.00
37 (j) Solicitor's permit, regardless of any other
38 provision of law, solicitor's permits shall be issued only in the
39 discretion of the commission..... \$100.00
40 (k) Filing fee for each application except for an
41 employee identification card..... \$25.00
42 (l) Temporary permit, Class 1, each..... \$10.00
43 (m) Temporary permit, Class 2, each..... \$50.00
44 On-premises purchases exceeding \$5,000.00 and for each
45 additional \$5,000.00, or fraction thereof..... \$225.00
46 (n) (i) Caterer's permit..... \$600.00
47 On purchases exceeding \$5,000.00 and for each additional
48 \$5,000.00, or fraction thereof..... \$250.00
49 (ii) Caterer's permit for holders of on-premises
50 retailer's permit..... \$150.00
51 On purchases exceeding \$5,000.00 and for each additional
52 \$5,000.00, or fraction thereof..... \$250.00
53 (o) Research permit..... \$100.00
54 (p) Filing fee for each application for an employee
55 identification card..... \$5.00
56 In addition to the filing fee imposed by item (k) of this
57 subsection, a fee to be determined by the State Tax Commission may
58 be charged to defray costs incurred to process applications. Such
59 additional fees shall be paid into the State Treasury to the

60 credit of a special fund account, which is hereby created, and
61 expenditures therefrom shall be made only to defray the costs
62 incurred by the State Tax Commission in processing alcoholic
63 beverage applications. Eighty percent (80%) of any unencumbered
64 balance remaining in the special fund account on June 30 of any
65 fiscal year shall lapse into the State General Fund and the
66 remaining twenty percent (20%) shall be forwarded on a
67 proportionate basis to the counties where such fees were
68 generated.

69 All privilege taxes herein imposed shall be paid in advance
70 of doing business. The additional privilege tax imposed for an
71 on-premises retailer's permit based upon purchases shall be due
72 and payable on demand.

73 Any person who has paid the additional privilege license tax
74 imposed by item (f), (g), (h), (m) or (n) of this subsection, and
75 whose permit is renewed, may add any unused fraction of Five
76 Thousand Dollars (\$5,000.00) purchases to the first Five Thousand
77 Dollars (\$5,000.00) purchases authorized by the renewal permit,
78 and no additional license tax will be required until purchases
79 exceed the sum of the two (2) figures.

80 (2) There is imposed and shall be collected from each
81 permittee, except a common carrier, solicitor, holder of an
82 employee identification card or a temporary permittee, by the
83 commission, an additional license tax equal to the amounts imposed
84 under subsection (1) of this section for the privilege of doing
85 business within any municipality or county in which the licensee
86 is located. If the licensee is located within a municipality, the
87 commission shall pay the amount of additional license tax to the
88 municipality, and if outside a municipality the commission shall
89 pay the additional license tax to the county in which the licensee
90 is located. Payments by the commission to the respective local
91 government subdivisions shall be made once each month for any
92 collections during the preceding month.

93 (3) When an application for any permit, other than for
94 renewal of a permit, has been rejected by the commission, such
95 decision shall be final. Appeal may be made in the manner
96 provided by Section 67-1-39. Another application from an
97 applicant who has been denied a permit shall not be reconsidered
98 within a twelve-month period.

99 (4) The number of permits issued by the commission shall not
100 be restricted or limited on a population basis; however, the
101 foregoing limitation shall not be construed to preclude the right
102 of the commission to refuse to issue a permit because of the
103 undesirability of the proposed location.

104 (5) If any person shall engage or continue in any business
105 which is taxable hereunder without having paid the tax as provided
106 herein, such person shall be liable for the full amount of such
107 tax plus a penalty thereon equal to the amount thereof, and, in
108 addition, shall be punished by a fine of not more than One
109 Thousand Dollars (\$1,000.00), or by imprisonment in the county
110 jail for a term of not more than six (6) months, or by both such
111 fine and imprisonment, in the discretion of the court.

112 (6) It shall be unlawful for any person to consume alcoholic
113 beverages on the premises of any hotel restaurant, restaurant,
114 club or the interior of any public place defined in Chapter 1,
115 Title 67, Mississippi Code of 1972, when the owner or manager
116 thereof displays in several conspicuous places inside said
117 establishment and at the entrances thereto a sign containing the
118 following language: NO ALCOHOLIC BEVERAGES ALLOWED.

119 SECTION 2. Section 27-71-29, Mississippi Code of 1972, is
120 amended as follows:

121 27-71-29. All taxes levied by this article shall be paid to
122 the State Tax Commission in cash or by personal check, cashier's
123 check, bank exchange, post-office money order or express money
124 order and eighty percent (80%) of such taxes shall be deposited by
125 the commission in the State Treasury on the same day collected,

126 and the remaining twenty percent (20%) shall be forwarded on a
127 proportionate basis to the counties where such taxes were
128 generated. No remittances other than cash shall be a final
129 discharge of liability for the tax herein imposed and levied
130 unless and until it has been paid in cash to the State Tax
131 Commission.

132 * * * The three percent (3%) levied under Section 27-71-7(2)
133 and received by the commission under this article shall be paid
134 into the special fund in the State Treasury designated as the
135 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
136 Any funds derived from the sale of alcoholic beverages in excess
137 of inventory requirements shall be paid not less often than
138 annually into the General Fund.

139 SECTION 3. Section 27-71-337, Mississippi Code of 1972, is
140 amended as follows:

141 27-71-337. All taxes levied by this article and required to
142 be paid to the commissioner shall be payable to the commissioner
143 in cash or by personal check, cashier's check, bank exchange,
144 post-office money order or express money order and eighty percent
145 (80%) of such taxes shall be deposited by the commissioner into
146 the State Treasury on the same day collected, and the remaining
147 twenty percent (20%) shall be forwarded on a proportionate basis
148 to the counties from which such taxes were generated. * * * No
149 remittances other than cash shall be a final discharge of
150 liability for the tax herein imposed and levied unless and until
151 it has been paid in cash to the commissioner.

152 SECTION 4. This act shall take effect and be in force from
153 and after July 1, 2001.