

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2221

1 AN ACT TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REQUIREMENT THAT HOLDERS OF ALCOHOLIC BEVERAGE
3 ON-PREMISES RETAILER'S PERMITS AND CATERER'S PERMITS MUST PAY AN
4 ADDITIONAL PRIVILEGE LICENSE TAX ON PURCHASES EXCEEDING CERTAIN
5 AMOUNTS; 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) Except as otherwise provided in this subsection
- 16 (1), manufacturer's permit, Class 1, distiller's and/or
- 17 rectifier's..... \$4,500.00
- 18 (b) Manufacturer's permit, Class 2, wine manufacturer
- 19 \$1,800.00
- 20 (c) Manufacturer's permit, Class 3, native wine
- 21 manufacturer per ten thousand (10,000) gallons or part thereof
- 22 produced..... \$ 10.00
- 23 (d) Native wine retailer's permit..... \$ 50.00
- 24 (e) Package retailer's permit, each..... \$ 900.00
- 25 (f) On-premises retailer's permit, except for clubs and
- 26 common carriers, each..... \$ 450.00

27 * * *

28 (g) On-premises retailer's permit for wine of more than
29 five percent (5%) alcohol by weight, but not more than twenty-one
30 percent (21%) alcohol by weight, each..... \$ 225.00

31 * * *

32 (h) On-premises retailer's permit for clubs.. \$ 225.00

33 * * *

34 (i) On-premises retailer's permit for common carriers,
35 per car, plane, or other vehicle..... \$ 120.00

36 (j) Solicitor's permit, regardless of any other
37 provision of law, solicitor's permits shall be issued only in the
38 discretion of the commission..... \$ 100.00

39 (k) Filing fee for each application except for an
40 employee identification card..... \$ 25.00

41 (l) Temporary permit, Class 1, each..... \$ 10.00

42 (m) Temporary permit, Class 2, each..... \$ 50.00

43 * * *

44 (n) (i) Caterer's permit..... \$ 600.00

45 * * *

46 (ii) Caterer's permit for holders of on-premises
47 retailer's permit..... \$ 150.00

48 * * *

49 (o) Research permit..... \$ 100.00

50 If a person approved for a manufacturer's permit, Class 1,
51 distiller's permit produces a product with at least fifty-one
52 percent (51%) of the finished product by volume being obtained
53 from alcoholic fermentation of grapes, fruits, berries, honey
54 and/or vegetables grown and produced in Mississippi, and produces
55 all of the product by using not more than one (1) still having a
56 maximum capacity of one hundred fifty (150) liters, the annual
57 privilege license tax for such a permit shall be Ten Dollars
58 (\$10.00) per ten thousand (10,000) gallons or part thereof
59 produced. Bulk, concentrated or fortified ingredients used for

60 blending may be produced outside this state and used in producing
61 such a product.

62 In addition to the filing fee imposed by item (k) of this
63 subsection, a fee to be determined by the State Tax Commission may
64 be charged to defray costs incurred to process applications. The
65 additional fees shall be paid into the State Treasury to the
66 credit of a special fund account, which is hereby created, and
67 expenditures therefrom shall be made only to defray the costs
68 incurred by the State Tax Commission in processing alcoholic
69 beverage applications. Any unencumbered balance remaining in the
70 special fund account on June 30 of any fiscal year shall lapse
71 into the State General Fund.

72 All privilege taxes imposed by this section shall be paid in
73 advance of doing business. * * *

74 * * *

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

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

93 (4) The number of permits issued by the commission shall not
94 be restricted or limited on a population basis; however, the
95 foregoing limitation shall not be construed to preclude the right
96 of the commission to refuse to issue a permit because of the
97 undesirability of the proposed location.

98 (5) If any person shall engage or continue in any business
99 which is taxable under this section without having paid the tax as
100 provided in this section, the person shall be liable for the full
101 amount of the tax plus a penalty thereon equal to the amount
102 thereof, and, in addition, shall be punished by a fine of not more
103 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
104 county jail for a term of not more than six (6) months, or by both
105 such fine and imprisonment, in the discretion of the court.

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

114 **SECTION 2.** This act shall take effect and be in force from
115 and after July 1, 2007.