

By: Senator(s) Posey

To: Finance

SENATE BILL NO. 2599

1 AN ACT TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO  
2 CONFORM THE LANGUAGE UTILIZED IN THE FEE PROVISIONS FOR  
3 ON-PREMISES PERMITS FOR WINE TO THE DEFINITION OF THE TERM  
4 "ALCOHOLIC BEVERAGE" UNDER THE PROVISIONS OF THE ALCOHOLIC  
5 BEVERAGE CONTROL LAW; 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           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
28 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
29 thereof..... \$ 225.00

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

33           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
34 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
35 thereof..... \$ 225.00

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

37           On purchases exceeding Five Thousand Dollars (\$5,000.00)  
38 and for each additional Five Thousand Dollars (\$5,000.00), or  
39 fraction thereof..... \$ 225.00

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

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

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

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

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

49           On-premises purchases exceeding Five Thousand Dollars  
50 (\$5,000.00) and for each additional Five Thousand Dollars  
51 (\$5,000.00), or fraction thereof..... \$ 225.00

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

53           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
54 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
55 thereof..... \$ 250.00

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

58           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
59 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
60 thereof..... \$ 250.00  
61           (o) Research permit..... \$ 100.00  
62           (p) Filing fee for each application for an employee  
63 identification card..... \$ 5.00

64           If a person approved for a manufacturer's permit, Class 1,  
65 distiller's permit produces a product with at least fifty-one  
66 percent (51%) of the finished product by volume being obtained  
67 from alcoholic fermentation of grapes, fruits, berries, honey  
68 and/or vegetables grown and produced in Mississippi, and produces  
69 all of such product by using not more than one (1) still having a  
70 maximum capacity of one hundred fifty (150) liters, the annual  
71 privilege license tax for such a permit shall be Ten Dollars  
72 (\$10.00) per ten thousand (10,000) gallons or part thereof  
73 produced. Bulk, concentrated or fortified ingredients used for  
74 blending may be produced outside this state and used in producing  
75 such a product.

76           In addition to the filing fee imposed by item (k) of this  
77 subsection, a fee to be determined by the State Tax Commission may  
78 be charged to defray costs incurred to process applications. Such  
79 additional fees shall be paid into the State Treasury to the  
80 credit of a special fund account, which is hereby created, and  
81 expenditures therefrom shall be made only to defray the costs  
82 incurred by the State Tax Commission in processing alcoholic  
83 beverage applications. Any unencumbered balance remaining in the  
84 special fund account on June 30 of any fiscal year shall lapse  
85 into the State General Fund.

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

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

97 (2) There is imposed and shall be collected from each  
98 permittee, except a common carrier, solicitor, holder of an  
99 employee identification card or a temporary permittee, by the  
100 commission, an additional license tax equal to the amounts imposed  
101 under subsection (1) of this section for the privilege of doing  
102 business within any municipality or county in which the licensee  
103 is located. If the licensee is located within a municipality, the  
104 commission shall pay the amount of additional license tax to the  
105 municipality, and if outside a municipality the commission shall  
106 pay the additional license tax to the county in which the licensee  
107 is located. Payments by the commission to the respective local  
108 government subdivisions shall be made once each month for any  
109 collections during the preceding month.

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

116 (4) The number of permits issued by the commission shall not  
117 be restricted or limited on a population basis; however, the  
118 foregoing limitation shall not be construed to preclude the right  
119 of the commission to refuse to issue a permit because of the  
120 undesirability of the proposed location.

121 (5) If any person shall engage or continue in any business  
122 which is taxable hereunder without having paid the tax as provided

123 herein, such person shall be liable for the full amount of such  
124 tax plus a penalty thereon equal to the amount thereof, and, in  
125 addition, shall be punished by a fine of not more than One  
126 Thousand Dollars (\$1,000.00), or by imprisonment in the county  
127 jail for a term of not more than six (6) months, or by both such  
128 fine and imprisonment, in the discretion of the court.

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

136 **SECTION 2.** This act shall take effect and be in force from  
137 and after July 1, 2005.