

By: Representative Williams

To: Ways and Means

HOUSE BILL NO. 817
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-57, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE REQUIREMENT THAT AN APPLICANT FOR A PERMIT UNDER THE
3 STATE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW BE ABLE TO READ
4 AND WRITE THE ENGLISH LANGUAGE; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 67-1-57, Mississippi Code of 1972, is
7 amended as follows:

8 67-1-57. Before a permit is issued the commission shall
9 satisfy itself:

10 (a) That the applicant, if an individual, or if a
11 partnership, each of the members of the partnership, or if a
12 corporation, each of its principal officers and directors, is of
13 good moral character and, in addition, enjoys a reputation of
14 being a peaceable, law-abiding citizen of the community in which
15 he resides, and is generally fit for the trust to be reposed in
16 him, is not less than twenty-one (21) years of age, and has not
17 been convicted of a felony in any state or federal court.

18 (b) That, except in the case of an application for a
19 solicitor's permit, the applicant is the true and actual owner of
20 the business for which the permit is desired, and that he intends
21 to carry on the business authorized for himself and not as the
22 agent of any other person, and that he intends to superintend in
23 person the management of said business or that he will designate a
24 manager to manage the business for him; any such manager must be
25 approved by the commission and must possess all of the
26 qualifications required of a permittee.

27 (c) That the applicant for a package retailer's permit,

28 if an individual, is a resident of the State of Mississippi. If
29 the applicant is a partnership, each member of the partnership
30 must be a resident of the state. If the applicant is a
31 corporation, the designated manager of the corporation must be a
32 resident of the state.

33 (d) That the place for which the permit is to be issued
34 is an appropriate one considering the character of the premises
35 and the surrounding neighborhood.

36 (e) That the place for which the permit is to be issued
37 is within the corporate limits of an incorporated municipality or
38 qualified resort area or club which comes within the provisions of
39 this chapter.

40 (f) That the applicant is not indebted to the state for
41 any taxes, fees or payment of penalties imposed by any law of the
42 State of Mississippi or by any rule or regulation of the
43 commission.

44 (g) That the applicant is not in the habit of using
45 alcoholic beverages to excess and is not physically or mentally
46 incapacitated * * *.

47 (h) That the commission does not believe and has no
48 reason to believe that the applicant will sell or knowingly permit
49 any agent, servant or employee to unlawfully sell liquor in a dry
50 area or in any other manner contrary to law.

51 (i) That the applicant is not residentially domiciled
52 with any person whose permit or license has been cancelled for
53 cause within the twelve (12) months next preceding the date of the
54 present application for a permit.

55 (j) That the commission has not, in the exercise of its
56 discretion which is reserved and preserved to it, refused to grant
57 such permits under the restrictions of this section, as well as
58 under any other pertinent provision of this chapter.

59 (k) That there are not sufficient legal reasons to deny
60 a permit on the ground that the premises for which the permit is

61 sought has previously been operated, used or frequented for any
62 purpose or in any manner that is lewd, immoral or offensive to
63 public decency. In the granting or withholding of any permit to
64 sell alcoholic beverages at retail, the commission in forming its
65 conclusions may give consideration to any recommendations made in
66 writing by the district or county attorney or county, circuit or
67 chancery judge of the county, or the sheriff of the county, or the
68 mayor or chief of police of an incorporated city or town wherein
69 the applicant proposes to conduct his business and to any
70 recommendations made by representatives of the commission.

71 (1) That no criminal record of the applicant or any of
72 applicant's employees exists, and the commission may therefore
73 require that any applicant and employees of such applicant be
74 photographed and fingerprinted for identification.

75 SECTION 2. This act shall take effect and be in force from
76 and after its passage.