AN ACT TO CREATE NEW SECTION 67-3-75, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ENFORCEMENT OFFICERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE STATE TAX COMMISSION TO ASSIST IN THE ENFORCEMENT OF THE LAW REGULATING LIGHT WINE AND BEER; TO AMEND SECTIONS 67-1-37, 67-3-31 AND 67-3-37, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. The following provision shall be codified as Section 67-3-75, Mississippi Code of 1972:

67-3-75. In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the State Tax Commission are authorized to enforce the provisions of this chapter.

SECTION 2. Section 67-1-37, Mississippi Code of 1972, is amended as follows:

67-1-37. The State Tax Commission, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties:

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or Act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines, or any lawful rules and regulations of the commission issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter; however, no such permit shall be
revoked, suspended or cancelled except after a hearing of which
the permit holder shall have been given reasonable notice and an
opportunity to be heard. The board shall be authorized to suspend
the permit of any permit holder for being out of compliance with
an order for support, as defined in Section 93-11-153. The
procedure for suspension of a permit for being out of compliance
with an order for support, and the procedure for the reissuance or
reinstatement of a permit suspended for that purpose, and the
payment of any fees for the reissuance or reinstatement of a
permit suspended for that purpose, shall be governed by Section
93-11-157 or 93-11-163, as the case may be. If there is any
conflict between any provision of Section 93-11-157 or 93-11-163
and any provision of this chapter, the provisions of Section
93-11-157 or 93-11-163, as the case may be, shall control.

(c) To prescribe forms of permits and applications for
permits and of all reports which it deems necessary in
administering this chapter.

(d) To fix standards, not in conflict with those
prescribed by any law of this state or of the United States, to
secure the use of proper ingredients and methods of manufacture of
alcoholic beverages.

(e) To issue rules regulating the advertising of
alcoholic beverages in the state in any class of media and
permitting advertising of the retail price of alcoholic beverages.

(f) To issue reasonable rules and regulations, not
inconsistent with the federal laws or regulations, requiring
informative labeling of all alcoholic beverages offered for sale
within this state and providing for the standards of fill and
shapes of retail containers of alcoholic beverages; however, such
containers shall not contain less than fifty (50) milliliters by
liquid measure.

(g) Subject to the provisions of subsection (3) of
Section 67-1-51, to issue rules and regulations governing the
issuance of retail permits for premises located near or around
schools, colleges, universities, churches and other public
institutions, and specifying the distances therefrom within which
no such permit shall be issued. The Alcoholic Beverage Control
Division shall not allow the sale or consumption of alcoholic
beverages in or on the campus of any public school or college, and
no alcoholic beverage shall be for sale or consumed at any public
athletic event at any grammar or high school or any college.

(h) To adopt and promulgate, repeal and amend, such
rules, regulations, standards, requirements and orders, not
inconsistent with this chapter or any law of this state or of the
United States, as it deems necessary to control the manufacture,
importation, transportation, distribution and sale of alcoholic
liquor, whether intended for beverage or nonbeverage use in a
manner not inconsistent with the provisions of this chapter or any
other statute, including the native wine laws.

(i) To call upon other administrative departments of
the state, county and municipal governments, county and city
police departments and upon prosecuting officers for such
information and assistance as it may deem necessary in the
performance of its duties.

(j) To prepare and submit to the Governor during the
month of January of each year a detailed report of its official
acts during the preceding fiscal year ending June 30, including
such recommendations as it may see fit to make, and to transmit a
like report to each member of the Legislature of this state upon
the convening thereof at its next regular session.

(k) To inspect, or cause to be inspected, any premises
where alcoholic liquors intended for sale are manufactured,
stored, distributed or sold, and to examine or cause to be
examined all books and records pertaining to the business
conducted therein.
(l) In the conduct of any hearing authorized to be held by the commission, to hear testimony and take proof material for its information in the discharge of its duties under this chapter; to issue subpoenas, which shall be effective in any part of this state, requiring the attendance of witnesses and the production of books and records; to administer or cause to be administered oaths; and to examine or cause to be examined any witness under oath. Any court of record, or any judge thereof, may by order duly entered require the attendance of witnesses and the production of relevant books subpoenaed by the commission, and such court or judge may compel obedience to its or his order by proceedings for contempt.

(m) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

(n) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale.

(o) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages, to remove, to dismiss, to suspend without pay, to act as a trial board in hearings based upon charges against employees. After twelve (12) months' service, no employee shall be removed, dismissed, demoted or suspended without just cause and only after being furnished with reasons for such removal, dismissal, demotion or suspension, and upon request given a hearing in his own defense.

(p) All hearings conducted by the commission shall be open to the public, and, when deemed necessary, a written transcript shall be made of the testimony introduced thereat.
(q) To adopt and promulgate rules and regulations for suspension or revocation of identification cards of employees of permittees for violations of the alcoholic beverage control laws, rules or regulations.

(r) To enforce the provisions of Chapter 3, Title 67, Mississippi Code of 1972.

SECTION 3. Section 67-3-31, Mississippi Code of 1972, is amended as follows:

67-3-31. Proceedings for the revocation or suspension of any permit authorizing the sale of beer or wine at retail for a violation of any of the provisions of Section 67-3-53 may be brought in the circuit or county court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the state and against the permittee and shall be instituted by filing a complaint with the clerk of the court. The complaint may be filed by the county prosecuting attorney of the county upon his own initiative or, then by the district attorney of the district in which the county is located, and it shall be mandatory upon the county prosecuting attorney, or district attorney as the case may be, to file a complaint when requested to do so by a peace officer or any person as hereinafter provided. Any peace officer or any enforcement officer of the Alcoholic Beverage Control Division who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney as the case may be, by any person who resides, and has for at least one (1) year prior
thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court.

SECTION 4. Section 67-3-37, Mississippi Code of 1972, is amended as follows:

67-3-37. It shall be the duty of the county prosecuting attorney or the district attorney, as the case may be, to file complaints as provided in Section 67-3-31 and to prosecute diligently and without delay all complaints filed by him.

It shall be the duty of all peace officers *, *, *, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division to enforce the provisions of Section 67-3-53 and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee.

SECTION 5. This act shall take effect and be in force from and after its passage.