

By: Senator(s) Robertson

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2447

1 AN ACT TO AMEND SECTIONS 27-71-5, 27-71-17, 67-1-37, 67-1-41  
2 AND 67-1-51, MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL  
3 REVISIONS TO THE LAWS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES;  
4 TO CORRECT THE ALCOHOLIC CONTENT OF WINE AS STATED IN THE  
5 PROVISION THAT IMPOSES AN EXCISE TAX FOR AN ON-PREMISES RETAILER'S  
6 PERMIT FOR WINE; TO REMOVE REFERENCES TO EMPLOYEE IDENTIFICATION  
7 CARDS; TO REMOVE REFERENCES TO TAX AND IDENTIFICATION STAMPS; TO  
8 MAKE IT CLEAR THAT WHEN THE HOLDER OF AN ON-PREMISES RETAILER'S  
9 PERMIT OR AN AFFILIATE OF THE HOLDER ALSO HOLDS A CATERER'S  
10 PERMIT, THE CATERER'S PERMIT SHALL NOT AUTHORIZE THE SERVICE OF  
11 ALCOHOLIC BEVERAGES ON A CONSISTENT, RECURRING BASIS AT A  
12 SEPARATE, FIXED LOCATION OWNED OR OPERATED BY THE CATERER,  
13 ON-PREMISES RETAILER OR AFFILIATED ENTITY; TO PROVIDE THAT A  
14 CATERER'S PERMIT AUTHORIZES THE HOLDER TO SERVE ALCOHOLIC  
15 BEVERAGES ANYWHERE WITHIN A COUNTY OR JUDICIAL DISTRICT THAT HAS  
16 VOTED TO COME OUT FROM UNDER THE DRY LAWS; TO AMEND SECTION  
17 67-1-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND  
18 SECTION 67-1-53, MISSISSIPPI CODE OF 1972, TO INCREASE TO 10% THE  
19 AMOUNT OF STOCK THAT AN OFFICER OF A CORPORATION APPLYING FOR AN  
20 ON-PREMISES RETAILER'S PERMIT MUST OWN IN ORDER FOR THE STATE TAX  
21 COMMISSION TO REQUIRE PERSONAL FINANCIAL INFORMATION FROM SUCH  
22 OFFICER; TO AMEND SECTIONS 67-1-25, 67-1-55, 67-1-57 AND 67-1-59,  
23 MISSISSIPPI CODE OF 1972, TO INCLUDE BUSINESS ENTITIES FORMED AS  
24 LIMITED LIABILITY COMPANIES IN THE LOCAL OPTION ALCOHOLIC BEVERAGE  
25 CONTROL LAW; TO REPEAL SECTIONS 27-71-19 AND 67-5-15, MISSISSIPPI  
26 CODE OF 1972, WHICH REQUIRE SUPPLIERS SELLING ALCOHOLIC BEVERAGES  
27 TO THE STATE TAX COMMISSION TO AFFIX REVENUE IDENTIFICATION STAMPS  
28 TO ALCOHOLIC BEVERAGE CONTAINERS AND REQUIRE PRODUCERS OF NATIVE  
29 WINE TO AFFIX A TAX STAMP TO CONTAINERS OF NATIVE WINE; TO REPEAL  
30 SECTIONS 27-71-201 AND 27-71-203, MISSISSIPPI CODE OF 1972, WHICH  
31 IMPOSE A SURCHARGE ON SALES OF ALCOHOLIC BEVERAGES TO BE DEPOSITED  
32 INTO THE ABC WAREHOUSE CONSTRUCTION FUND AND AUTHORIZE THE STATE  
33 TAX COMMISSION TO BORROW MONEY TO FUND CONSTRUCTION OF THE ABC  
34 WAREHOUSE; AND FOR RELATED PURPOSES.

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

36 **SECTION 1.** Section 27-71-5, Mississippi Code of 1972, is  
37 amended as follows:

38 27-71-5. (1) Upon each person approved for a permit under  
39 the provisions of the Alcoholic Beverage Control Law and  
40 amendments thereto, there is levied and imposed for each location  
41 for the privilege of engaging and continuing in this state in the  
42 business authorized by such permit, an annual privilege license  
43 tax in the amount provided in the following schedule:

44           (a) Except as otherwise provided in this subsection  
45 (1), manufacturer's permit, Class 1, distiller's and/or  
46 rectifier's..... \$4,500.00  
47           (b) Manufacturer's permit, Class 2, wine manufacturer  
48 ..... \$1,800.00  
49           (c) Manufacturer's permit, Class 3, native wine  
50 manufacturer per ten thousand (10,000) gallons or part thereof  
51 produced..... \$ 10.00  
52           (d) Native wine retailer's permit..... \$ 50.00  
53           (e) Package retailer's permit, each..... \$ 900.00  
54           (f) On-premises retailer's permit, except for clubs and  
55 common carriers, each..... \$ 450.00  
56           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
57 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
58 thereof..... \$ 225.00  
59           (g) On-premises retailer's permit for wine of more than  
60 five percent (5%) alcohol by weight, but not more than twenty-one  
61 percent (21%) alcohol by weight, each..... \$ 225.00  
62           On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
63 for each additional Five Thousand Dollars (\$5,000.00), or fraction  
64 thereof..... \$ 225.00  
65           (h) On-premises retailer's permit for clubs.. \$ 225.00  
66           On purchases exceeding Five Thousand Dollars (\$5,000.00)  
67 and for each additional Five Thousand Dollars (\$5,000.00), or  
68 fraction thereof..... \$ 225.00  
69           (i) On-premises retailer's permit for common carriers,  
70 per car, plane, or other vehicle..... \$ 120.00  
71           (j) Solicitor's permit, regardless of any other  
72 provision of law, solicitor's permits shall be issued only in the  
73 discretion of the commission..... \$ 100.00  
74           (k) Filing fee for each application except for an  
75 employee identification card..... \$ 25.00  
76           (l) Temporary permit, Class 1, each..... \$ 10.00

77                   (m) Temporary permit, Class 2, each..... \$   50.00  
78                    On-premises purchases exceeding Five Thousand Dollars  
79                   (\$5,000.00) and for each additional Five Thousand Dollars  
80                   (\$5,000.00), or fraction thereof..... \$   225.00  
81                   (n) (i) Caterer's permit..... \$   600.00  
82                    On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
83                   for each additional Five Thousand Dollars (\$5,000.00), or fraction  
84                   thereof..... \$   250.00  
85                   (ii) Caterer's permit for holders of on-premises  
86                   retailer's permit..... \$   150.00  
87                    On purchases exceeding Five Thousand Dollars (\$5,000.00) and  
88                   for each additional Five Thousand Dollars (\$5,000.00), or fraction  
89                   thereof..... \$   250.00  
90                   (o) Research permit..... \$   100.00

91   \* \* \*

92                   If a person approved for a manufacturer's permit, Class 1,  
93                   distiller's permit produces a product with at least fifty-one  
94                   percent (51%) of the finished product by volume being obtained  
95                   from alcoholic fermentation of grapes, fruits, berries, honey  
96                   and/or vegetables grown and produced in Mississippi, and produces  
97                   all of the product by using not more than one (1) still having a  
98                   maximum capacity of one hundred fifty (150) liters, the annual  
99                   privilege license tax for such a permit shall be Ten Dollars  
100                   (\$10.00) per ten thousand (10,000) gallons or part thereof  
101                   produced. Bulk, concentrated or fortified ingredients used for  
102                   blending may be produced outside this state and used in producing  
103                   such a product.

104                   In addition to the filing fee imposed by item (k) of this  
105                   subsection, a fee to be determined by the State Tax Commission may  
106                   be charged to defray costs incurred to process applications. The  
107                   additional fees shall be paid into the State Treasury to the  
108                   credit of a special fund account, which is hereby created, and  
109                   expenditures therefrom shall be made only to defray the costs

110 incurred by the State Tax Commission in processing alcoholic  
111 beverage applications. Any unencumbered balance remaining in the  
112 special fund account on June 30 of any fiscal year shall lapse  
113 into the State General Fund.

114 All privilege taxes \* \* \* imposed by this section shall be  
115 paid in advance of doing business. The additional privilege tax  
116 imposed for an on-premises retailer's permit based upon purchases  
117 shall be due and payable on demand.

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

125 (2) There is imposed and shall be collected from each  
126 permittee, except a common carrier, solicitor \* \* \* or a temporary  
127 permittee, by the commission, an additional license tax equal to  
128 the amounts imposed under subsection (1) of this section for the  
129 privilege of doing business within any municipality or county in  
130 which the licensee is located. If the licensee is located within  
131 a municipality, the commission shall pay the amount of additional  
132 license tax to the municipality, and if outside a municipality the  
133 commission shall pay the additional license tax to the county in  
134 which the licensee is located. Payments by the commission to the  
135 respective local government subdivisions shall be made once each  
136 month for any collections during the preceding month.

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

143 (4) The number of permits issued by the commission shall not  
144 be restricted or limited on a population basis; however, the  
145 foregoing limitation shall not be construed to preclude the right  
146 of the commission to refuse to issue a permit because of the  
147 undesirability of the proposed location.

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

156 (6) It shall be unlawful for any person to consume alcoholic  
157 beverages on the premises of any hotel restaurant, restaurant,  
158 club or the interior of any public place defined in Chapter 1,  
159 Title 67, Mississippi Code of 1972, when the owner or manager  
160 thereof displays in several conspicuous places inside the  
161 establishment and at the entrances of establishment a sign  
162 containing the following language: NO ALCOHOLIC BEVERAGES  
163 ALLOWED.

164 **SECTION 2.** Section 27-71-17, Mississippi Code of 1972, is  
165 amended as follows:

166 27-71-17. It shall be unlawful for any person to counterfeit  
167 or reuse any label prescribed by the commission and used to  
168 identify alcoholic beverages sold at wholesale by the commission  
169 and, upon conviction, the person shall be punished by a fine of  
170 not more than Five Thousand Dollars (\$5,000.00), or by  
171 imprisonment in the State Penitentiary for not less than one (1)  
172 year, nor more than ten (10) years, or \* \* \* both \* \* \*.

173 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is  
174 amended as follows:

175 **[Until July 1, 2007, this section will read as follows:]**

176           67-1-37. The State Tax Commission, under its duties and  
177 powers with respect to the Alcoholic Beverage Control Division  
178 therein, shall have the following powers, functions and duties:

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

183           (b) To revoke, suspend or cancel, for violation of or  
184 noncompliance with the provisions of this chapter, or the law  
185 governing the production and sale of native wines, or any lawful  
186 rules and regulations of the commission issued hereunder, or for  
187 other sufficient cause, any permit issued by it under the  
188 provisions of this chapter; however, no such permit shall be  
189 revoked, suspended or cancelled except after a hearing of which  
190 the permit holder shall have been given reasonable notice and an  
191 opportunity to be heard. The board shall be authorized to suspend  
192 the permit of any permit holder for being out of compliance with  
193 an order for support, as defined in Section 93-11-153. The  
194 procedure for suspension of a permit for being out of compliance  
195 with an order for support, and the procedure for the reissuance or  
196 reinstatement of a permit suspended for that purpose, and the  
197 payment of any fees for the reissuance or reinstatement of a  
198 permit suspended for that purpose, shall be governed by Section  
199 93-11-157 or Section 93-11-163, as the case may be. If there is  
200 any conflict between any provision of Section 93-11-157 or Section  
201 93-11-163 and any provision of this chapter, the provisions of  
202 Section 93-11-157 or Section 93-11-163, as the case may be, shall  
203 control.

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

207           (d) To fix standards, not in conflict with those  
208 prescribed by any law of this state or of the United States, to

209 secure the use of proper ingredients and methods of manufacture of  
210 alcoholic beverages.

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

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

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

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

239 (i) To call upon other administrative departments of  
240 the state, county and municipal governments, county and city  
241 police departments and upon prosecuting officers for such

242 information and assistance as it may deem necessary in the  
243 performance of its duties.

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

250 (k) To inspect, or cause to be inspected, any premises  
251 where alcoholic liquors intended for sale are manufactured,  
252 stored, distributed or sold, and to examine or cause to be  
253 examined all books and records pertaining to the business  
254 conducted therein.

255 (l) In the conduct of any hearing authorized to be held  
256 by the commission, to hear testimony and take proof material for  
257 its information in the discharge of its duties under this chapter;  
258 to issue subpoenas, which shall be effective in any part of this  
259 state, requiring the attendance of witnesses and the production of  
260 books and records; to administer or cause to be administered  
261 oaths; and to examine or cause to be examined any witness under  
262 oath. Any court of record, or any judge thereof, may by order  
263 duly entered require the attendance of witnesses and the  
264 production of relevant books subpoenaed by the commission, and  
265 such court or judge may compel obedience to its or his order by  
266 proceedings for contempt.

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

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



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

284           (p) All hearings conducted by the commission shall be  
285 open to the public, and, when deemed necessary, a written  
286 transcript shall be made of the testimony introduced thereat.

287       \* \* \*

288           (q) To enforce the provisions made unlawful by Sections  
289 67-3-13, 67-3-15, 67-3-53 and 67-3-70.

290           **[From and after July 1, 2007, this section will read as**  
291 **follows:]**

292           67-1-37. The State Tax Commission, under its duties and  
293 powers with respect to the Alcoholic Beverage Control Division  
294 therein, shall have the following powers, functions and duties:

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

299           (b) To revoke, suspend or cancel, for violation of or  
300 noncompliance with the provisions of this chapter, or the law  
301 governing the production and sale of native wines, or any lawful  
302 rules and regulations of the commission issued hereunder, or for  
303 other sufficient cause, any permit issued by it under the  
304 provisions of this chapter; however, no such permit shall be  
305 revoked, suspended or cancelled except after a hearing of which  
306 the permit holder shall have been given reasonable notice and an  
307 opportunity to be heard. The board shall be authorized to suspend

308 the permit of any permit holder for being out of compliance with  
309 an order for support, as defined in Section 93-11-153. The  
310 procedure for suspension of a permit for being out of compliance  
311 with an order for support, and the procedure for the reissuance or  
312 reinstatement of a permit suspended for that purpose, and the  
313 payment of any fees for the reissuance or reinstatement of a  
314 permit suspended for that purpose, shall be governed by Section  
315 93-11-157 or 93-11-163, as the case may be. If there is any  
316 conflict between any provision of Section 93-11-157 or 93-11-163  
317 and any provision of this chapter, the provisions of Section  
318 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

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

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

336 (g) Subject to the provisions of subsection (3) of  
337 Section 67-1-51, to issue rules and regulations governing the  
338 issuance of retail permits for premises located near or around  
339 schools, colleges, universities, churches and other public  
340 institutions, and specifying the distances therefrom within which

341 no such permit shall be issued. The Alcoholic Beverage Control  
342 Division shall not allow the sale or consumption of alcoholic  
343 beverages in or on the campus of any public school or college, and  
344 no alcoholic beverage shall be for sale or consumed at any public  
345 athletic event at any grammar or high school or any college.

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

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

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

365 (k) To inspect, or cause to be inspected, any premises  
366 where alcoholic liquors intended for sale are manufactured,  
367 stored, distributed or sold, and to examine or cause to be  
368 examined all books and records pertaining to the business  
369 conducted therein.

370 (l) In the conduct of any hearing authorized to be held  
371 by the commission, to hear testimony and take proof material for  
372 its information in the discharge of its duties under this chapter;  
373 to issue subpoenas, which shall be effective in any part of this

374 state, requiring the attendance of witnesses and the production of  
375 books and records; to administer or cause to be administered  
376 oaths; and to examine or cause to be examined any witness under  
377 oath. Any court of record, or any judge thereof, may by order  
378 duly entered require the attendance of witnesses and the  
379 production of relevant books subpoenaed by the commission, and  
380 such court or judge may compel obedience to its or his order by  
381 proceedings for contempt.

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

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

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

399 (p) All hearings conducted by the commission shall be  
400 open to the public, and, when deemed necessary, a written  
401 transcript shall be made of the testimony introduced thereat.

402 \* \* \*

403 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is  
404 amended as follows:

405 67-1-41. (1) The State Tax Commission is hereby created a  
406 wholesale distributor and seller of alcoholic beverages, not

407 including malt liquors, within the State of Mississippi. It is  
408 granted the sole right to import and sell \* \* \* intoxicating  
409 liquors at wholesale within the state, and no person who is  
410 granted the right to sell, distribute or receive intoxicating  
411 liquors at retail shall purchase any \* \* \* intoxicating liquors  
412 from any source other than the commission except as authorized in  
413 subsections (4) and (9), provided that retailers and consumers may  
414 purchase native wines directly from the producer. The commission  
415 may establish warehouses, purchase intoxicating liquors in such  
416 quantities and from such sources as it may deem desirable and sell  
417 the intoxicating liquors to authorized permittees within the state  
418 including, at the discretion of the commission, any retail  
419 distributors operating within any military post or qualified  
420 resort areas within the boundaries of the state, keeping a correct  
421 and accurate record of all such transactions and exercising such  
422 control over the distribution of alcoholic beverages as seem right  
423 and proper in keeping with the provisions or purposes of this  
424 chapter.

425 \* \* \*

426 (2) No person for the purpose of sale shall manufacture,  
427 distill, brew, sell, possess, export, transport, distribute,  
428 warehouse, store, solicit, take orders for, bottle, rectify,  
429 blend, treat, mix or process any alcoholic beverage except in  
430 accordance with authority granted under this chapter, or as  
431 otherwise provided by law for native wines.

432 (3) No alcoholic beverage intended for sale or resale shall  
433 be imported, shipped or brought into this state for delivery to  
434 any person other than as provided in this chapter, or as otherwise  
435 provided by law for native wines.

436 (4) The commission may promulgate rules and regulations  
437 which authorize on-premises retailers to purchase limited amounts  
438 of alcoholic beverages from package retailers and for package  
439 retailers to purchase limited amounts of alcoholic beverages from

440 other package retailers. The commission shall develop and provide  
441 forms to be completed by the on-premises retailers and the package  
442 retailers verifying the transaction. The completed forms shall be  
443 forwarded to the commission within a period of time prescribed by  
444 the commission.

445 (5) The commission may promulgate rules which authorize the  
446 holder of a package retailer's permit to permit individual retail  
447 purchasers of packages of alcoholic beverages to return, for  
448 exchange, credit or refund, limited amounts of original sealed and  
449 unopened packages of alcoholic beverages purchased by the  
450 individual from the package retailer.

451 (6) The commission shall maintain all forms to be completed  
452 by applicants necessary for licensure by the commission at all  
453 district offices of the commission.

454 (7) The commission may promulgate rules which authorize the  
455 manufacturer of an alcoholic beverage or wine to import, transport  
456 and furnish or give a sample of alcoholic beverages or wines to  
457 the holders of package retailer's permits, on-premises retailer's  
458 permits, native wine retailer's permits and temporary retailer's  
459 permits who have not previously purchased the brand of that  
460 manufacturer from the commission. For each holder of the  
461 designated permits, the manufacturer may furnish not more than  
462 five hundred (500) milliliters of any brand of alcoholic beverage  
463 and not more than three (3) liters of any brand of wine.

464 (8) The commission may promulgate rules disallowing open  
465 product sampling of alcoholic beverages or wines by the holders of  
466 package retailer's permits and permitting open product sampling of  
467 alcoholic beverages by the holders of on-premises retailer's  
468 permits. Permitted sample products shall be plainly identified  
469 "sample" and the actual sampling must occur in the presence of the  
470 manufacturer's representatives during the legal operating hours of  
471 on-premises retailers.

472 (9) The commission may promulgate rules and regulations that  
473 authorize the holder of a research permit to import and purchase  
474 limited amounts of alcoholic beverages from importers, wineries  
475 and distillers of alcoholic beverages or from the commission. The  
476 commission shall develop and provide forms to be completed by the  
477 research permittee verifying each transaction. The completed  
478 forms shall be forwarded to the commission within a period of time  
479 prescribed by the commission. The records and inventory of  
480 alcoholic beverages shall be open to inspection at any time by the  
481 Director of the Alcoholic Beverage Control Division or any duly  
482 authorized agent.

483 **SECTION 5.** Section 67-1-51, Mississippi Code of 1972, is  
484 amended as follows:

485 67-1-51. (1) Permits which may be issued by the commission  
486 shall be as follows:

487 (a) **Manufacturer's permit.** A manufacturer's permit  
488 shall permit the manufacture, importation in bulk, bottling and  
489 storage of alcoholic liquor and its distribution and sale to  
490 manufacturers holding permits under this chapter in this state and  
491 to persons outside the state who are authorized by law to purchase  
492 the same, and to sell exclusively to the commission.

493 Manufacturer's permits shall be of the following classes:

494 Class 1. Distiller's and/or rectifier's permit, which shall  
495 authorize the holder thereof to operate a distillery for the  
496 production of distilled spirits by distillation or redistillation  
497 and/or to operate a rectifying plant for the purifying, refining,  
498 mixing, blending, flavoring or reducing in proof of distilled  
499 spirits and alcohol.

500 Class 2. Wine manufacturer's permit, which shall authorize  
501 the holder thereof to manufacture, import in bulk, bottle and  
502 store wine or vinous liquor.

503           Class 3. Native wine producer's permit, which shall  
504 authorize the holder thereof to produce, bottle, store and sell  
505 native wines.

506           (b) **Package retailer's permit.** Except as otherwise  
507 provided in this paragraph, a package retailer's permit shall  
508 authorize the holder thereof to operate a store exclusively for  
509 the sale at retail in original sealed and unopened packages of  
510 alcoholic beverages, including native wines, not to be consumed on  
511 the premises where sold. Alcoholic beverages shall not be sold by  
512 any retailer in any package or container containing less than  
513 fifty (50) milliliters by liquid measure. In addition to the sale  
514 at retail of packages of alcoholic beverages, the holder of a  
515 package retailer's permit is authorized to sell at retail  
516 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
517 other beverages commonly used to mix with alcoholic beverages.  
518 Nonalcoholic beverages sold by the holder of a package retailer's  
519 permit shall not be consumed on the premises where sold.

520           (c) **On-premises retailer's permit.** An on-premises  
521 retailer's permit shall authorize the sale of alcoholic beverages,  
522 including native wines, for consumption on the licensed premises  
523 only. Such a permit shall issue only to qualified hotels,  
524 restaurants and clubs, and to common carriers with adequate  
525 facilities for serving passengers. In resort areas, whether  
526 inside or outside of a municipality, the commission may, in its  
527 discretion, issue on-premises retailer's permits to such  
528 establishments as it deems proper. An on-premises retailer's  
529 permit when issued to a common carrier shall authorize the sale  
530 and serving of alcoholic beverages aboard any licensed vehicle  
531 while moving through any county of the state; however, the sale of  
532 such alcoholic beverages shall not be permitted while such vehicle  
533 is stopped in a county that has not legalized such sales.

534           (d) **Solicitor's permit.** A solicitor's permit shall  
535 authorize the holder thereof to act as salesman for a manufacturer



536 or wholesaler holding a proper permit, to solicit on behalf of his  
537 employer orders for alcoholic beverages, and to otherwise promote  
538 his employer's products in a legitimate manner. Such a permit  
539 shall authorize the representation of and employment by one (1)  
540 principal only. However, the permittee may also, in the  
541 discretion of the commission, be issued additional permits to  
542 represent other principals. No such permittee shall buy or sell  
543 alcoholic beverages for his own account, and no such beverage  
544 shall be brought into this state in pursuance of the exercise of  
545 such permit otherwise than through a permit issued to a wholesaler  
546 or manufacturer in the state.

547 (e) **Native wine retailer's permit.** A native wine  
548 retailer's permit shall be issued only to a holder of a Class 3  
549 manufacturer's permit, and shall authorize the holder thereof to  
550 make retail sales of native wines to consumers for on-premises  
551 consumption or to consumers in originally sealed and unopened  
552 containers at an establishment located on the premises of or in  
553 the immediate vicinity of a native winery.

554 (f) **Temporary retailer's permit.** A temporary  
555 retailer's permit shall permit the purchase and resale of  
556 alcoholic beverages, including native wines, during legal hours on  
557 the premises described in the temporary permit only.

558 Temporary retailer's permits shall be of the following  
559 classes:

560 Class 1. A temporary one-day permit may be issued to bona  
561 fide nonprofit civic or charitable organizations authorizing the  
562 sale of alcoholic beverages, including native wine, for  
563 consumption on the premises described in the temporary permit  
564 only. Class 1 permits may be issued only to applicants  
565 demonstrating to the commission, by affidavit submitted ten (10)  
566 days prior to the proposed date or such other time as the  
567 commission may determine, that they meet the qualifications of  
568 Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57

569 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall  
570 obtain all alcoholic beverages from package retailers located in  
571 the county in which the temporary permit is issued. Alcoholic  
572 beverages remaining in stock upon expiration of the temporary  
573 permit may be returned by the permittee to the package retailer  
574 for a refund of the purchase price upon consent of the package  
575 retailer or may be kept by the permittee exclusively for personal  
576 use and consumption, subject to all laws pertaining to the illegal  
577 sale and possession of alcoholic beverages. The commission,  
578 following review of the affidavit and the requirements of the  
579 applicable statutes and regulations, may issue the permit.

580 Class 2. A temporary permit, not to exceed seventy (70)  
581 days, may be issued to prospective permittees seeking to transfer  
582 a permit authorized in either paragraph (b) or (c) of this  
583 section. A Class 2 permit may be issued only to applicants  
584 demonstrating to the commission, by affidavit, that they meet the  
585 qualifications of Sections 67-1-5(1), (m), (n), (o), (p) or (q),  
586 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The  
587 commission, following a preliminary review of the affidavit and  
588 the requirements of the applicable statutes and regulations, may  
589 issue the permit.

590 Class 2 temporary permittees must purchase their alcoholic  
591 beverages directly from the commission or, with approval of the  
592 commission, purchase the remaining stock of the previous  
593 permittee. If the proposed applicant of a Class 1 or Class 2  
594 temporary permit falsifies information contained in the  
595 application or affidavit, the applicant shall never again be  
596 eligible for a retail alcohol beverage permit and shall be subject  
597 to prosecution for perjury.

598 (g) **Caterer's permit.** A caterer's permit shall permit  
599 the purchase of alcoholic beverages by a person engaging in  
600 business as a caterer and the resale of alcoholic beverages by  
601 such person in conjunction with such catering business. No person

602 shall qualify as a caterer unless forty percent (40%) or more of  
603 the revenue derived from such catering business shall be from the  
604 serving of prepared food and not from the sale of alcoholic  
605 beverages and unless such person has obtained a permit for such  
606 business from the Department of Health. A caterer's permit shall  
607 not authorize the sale of alcoholic beverages on the premises of  
608 the person engaging in business as a caterer; however, the holder  
609 of an on-premises retailer's permit may hold a caterer's permit.  
610 When the holder of an on-premises retailer's permit or an  
611 affiliated entity of the holder also holds a caterer's permit, the  
612 caterer's permit shall not authorize the service of alcoholic  
613 beverages on a consistent, recurring basis at a separate, fixed  
614 location owned or operated by the caterer, on-premises retailer or  
615 affiliated entity and an on-premises retailer's permit shall be  
616 required for the separate location. All sales of alcoholic  
617 beverages by holders of a caterer's permit shall be made at the  
618 location being catered by the caterer, and such sales may be made  
619 only for consumption at the catered location. The location being  
620 catered may be anywhere within a county or judicial district that  
621 has voted to come out from under the dry laws. Such sales shall  
622 be made pursuant to any other conditions and restrictions which  
623 apply to sales made by on-premises retail permittees. The holder  
624 of a caterer's permit or his employees shall remain at the catered  
625 location as long as alcoholic beverages are being sold pursuant to  
626 the permit issued under this paragraph (g), and the  
627 permittee \* \* \* shall have at the location \* \* \* the  
628 identification card issued by the Alcoholic Beverage Control  
629 Division of the commission. No unsold alcoholic beverages may be  
630 left at the catered location by the permittee upon the conclusion  
631 of his business at that location. Appropriate law enforcement  
632 officers and Alcoholic Beverage Control Division personnel may  
633 enter a catered location on private property in order to enforce  
634 laws governing the sale or serving of alcoholic beverages.

635           (h) **Research Permit.** A research permit shall authorize  
636 the holder thereof to operate a research facility for the  
637 professional research of alcoholic beverages. Such permit shall  
638 authorize the holder of the permit to import and purchase limited  
639 amounts of alcoholic beverages from the commission or from  
640 importers, wineries and distillers of alcoholic beverages for  
641 professional research.

642           (i) **Alcohol processing permit.** An alcohol processing  
643 permit shall authorize the holder thereof to purchase, transport  
644 and possess alcoholic beverages for the exclusive use in cooking,  
645 processing or manufacturing products which contain alcoholic  
646 beverages as an integral ingredient. An alcohol processing permit  
647 shall not authorize the sale of alcoholic beverages on the  
648 premises of the person engaging in the business of cooking,  
649 processing or manufacturing products which contain alcoholic  
650 beverages. The amounts of alcoholic beverages allowed under an  
651 alcohol processing permit shall be set by the commission.

652           (2) Except as otherwise provided in subsection (4) of this  
653 section, retail permittees may hold more than one (1) retail  
654 permit, at the discretion of the commission.

655           (3) Except as otherwise provided in this subsection, no  
656 authority shall be granted to any person to manufacture, sell or  
657 store for sale any intoxicating liquor as specified in this  
658 chapter within four hundred (400) feet of any church, school,  
659 kindergarten or funeral home. However, within an area zoned  
660 commercial or business, such minimum distance shall be not less  
661 than one hundred (100) feet.

662           A church or funeral home may waive the distance restrictions  
663 imposed in this subsection in favor of allowing issuance by the  
664 commission of a permit, pursuant to subsection (1) of this  
665 section, to authorize activity relating to the manufacturing, sale  
666 or storage of alcoholic beverages which would otherwise be  
667 prohibited under the minimum distance criterion. Such waiver

668 shall be in written form from the owner, the governing body, or  
669 the appropriate officer of the church or funeral home having the  
670 authority to execute such a waiver, and the waiver shall be filed  
671 with and verified by the commission before becoming effective.

672 The distance restrictions imposed in this subsection shall  
673 not apply to the sale or storage of alcoholic beverages at a bed  
674 and breakfast inn listed in the National Register of Historic  
675 Places.

676 (4) No person, either individually or as a member of a firm,  
677 partnership, limited liability company or association, or as a  
678 stockholder, officer or director in a corporation, shall own or  
679 control any interest in more than one (1) package retailer's  
680 permit, nor shall such person's spouse, if living in the same  
681 household of such person, any relative of such person, if living  
682 in the same household of such person, or any other person living  
683 in the same household with such person own any interest in any  
684 other package retailer's permit.

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

687 67-1-7. (1) Except as otherwise provided in Section 67-9-1  
688 for the transportation and possession of limited amounts of  
689 alcoholic beverages for the use of an alcohol processing  
690 permittee, and subject to all of the provisions and restrictions  
691 contained in this chapter, the manufacture, sale, distribution,  
692 possession and transportation of alcoholic beverages shall be  
693 lawful, subject to the restrictions hereinafter imposed, in those  
694 counties and municipalities of this state in which, at a local  
695 option election called and held for that purpose under the  
696 provisions of this chapter, a majority of the qualified electors  
697 voting in such election shall vote in favor thereof. Except as  
698 otherwise provided in Section 67-1-51 for holders of a caterer's  
699 permit, the manufacture, sale and distribution of alcoholic  
700 beverages shall not be permissible or lawful in counties except in

701 (a) incorporated municipalities located within such counties, (b)  
702 qualified resort areas within such counties approved as such by  
703 the State Tax Commission, or (c) clubs within such counties,  
704 whether within a municipality or not. The manufacture, sale,  
705 distribution and possession of native wines shall be lawful in any  
706 location within any such county except those locations where the  
707 manufacture, sale or distribution is prohibited by law other than  
708 this section or by regulations of the commission.

709 (2) Notwithstanding the foregoing, within any state park or  
710 any state park facility which has been declared a qualified resort  
711 area by the commission and any clubhouse or golf course that is a  
712 qualified resort area under Section 67-1-5(o)(iii), an on-premises  
713 retailer's permit may be issued for the clubhouse and the  
714 permittee may lawfully sell alcoholic beverages for consumption on  
715 his licensed premises regardless of whether or not the county or  
716 municipality in which the park or clubhouse is located has voted  
717 in favor of coming out from under the dry law, and it shall be  
718 lawful to receive, store, sell, possess and consume alcoholic  
719 beverages on the licensed premises, and to sell, distribute and  
720 transport alcoholic beverages to the licensed premises.

721 **SECTION 7.** Section 67-1-53, Mississippi Code of 1972, is  
722 amended as follows:

723 67-1-53. (1) Application for permits shall be in such form  
724 and shall contain such information as shall be required by the  
725 regulations of the commission; however, no regulation of the  
726 commission shall require personal financial information from any  
727 officer of a corporation applying for an on-premises retailer's  
728 permit to sell alcoholic beverages unless such officer owns ten  
729 percent (10%) or more of the stock of such corporation.

730 (2) Every applicant for each type of permit authorized by  
731 Section 67-1-51 shall give notice of such application by  
732 publication for two (2) consecutive issues in a newspaper of  
733 general circulation published in the city or town in which

734 applicant's place of business is located. However, in \* \* \*  
735 instances where no newspaper is published in the city or town,  
736 then the notice shall be published in a newspaper of general  
737 circulation published in the county where the applicant's business  
738 is located. If no newspaper is published in the county, the  
739 notice shall be published in a qualified newspaper which is  
740 published in the closest neighboring county and circulated in the  
741 county of applicant's residence. The notice shall be printed in  
742 ten-point black face type and shall set forth the type of permit  
743 to be applied for, the exact location of the place of business,  
744 the name of the owner or owners thereof, and if operating under an  
745 assumed name, the trade name together with the names of all  
746 owners, and if a corporation, the names and titles of all  
747 officers. The cost of such notice shall be borne by the  
748 applicant.

749 (3) Each application or filing made under this section shall  
750 include the social security number(s) of the applicant in  
751 accordance with Section 93-11-64, Mississippi Code of 1972.

752 **SECTION 8.** Section 67-1-25, Mississippi Code of 1972, is  
753 amended as follows:

754 67-1-25. No person shall be appointed director, agent or  
755 inspector for the commission under this chapter who is not a  
756 citizen of the United States and who has not resided within the  
757 State of Mississippi successively for five (5) years next  
758 preceding the date of his appointment. No director, agent,  
759 inspector or other employee shall be appointed under this chapter  
760 who has been convicted of any violation of any federal or state  
761 law concerning the manufacture, sale or possession of alcoholic  
762 liquor prior or subsequent to July 1, 1966, or who has paid a fine  
763 or penalty in settlement of any prosecution against him for any  
764 violation of such laws or shall have forfeited his bond to appear  
765 in court to answer charges for any such violation, nor shall any  
766 person be so appointed who has been convicted of a felony in any

767 state or federal court. No person appointed or employed by the  
768 commission under this chapter may, directly or indirectly,  
769 individually or as a member of a partnership or limited liability  
770 company, or as a shareholder of a corporation, have any interest  
771 whatsoever in the manufacture, sale or distribution of alcoholic  
772 liquor, or receive any compensation or profit therefrom, or have  
773 any interest whatsoever in the purchases or sales made by the  
774 persons authorized by this chapter to purchase or to sell  
775 alcoholic liquor.

776 This section shall not prevent any person appointed or  
777 employed by the commission from purchasing and keeping in his  
778 possession for the use of himself or members of his family or  
779 guests any alcoholic liquor which may be purchased or kept by any  
780 other person by virtue of this chapter.

781 **SECTION 9.** Section 67-1-55, Mississippi Code of 1972, is  
782 amended as follows:

783 67-1-55. No permit of any type shall be issued by the  
784 commission until the applicant has first filed with the commission  
785 a sworn statement disclosing all persons who are financially  
786 involved in the operation of the business for which the permit is  
787 sought. If an applicant is an individual, he will swear that he  
788 owns one hundred percent (100%) of the business for which he is  
789 seeking a permit. If the applicant is a partnership, all partners  
790 and their addresses shall be disclosed and the extent of their  
791 interest in the partnership shall be disclosed. If the applicant  
792 is a corporation, the total stock in the corporation shall be  
793 disclosed and each shareholder and his address and the amount of  
794 stock in the corporation owned by him shall be disclosed. If the  
795 applicant is a limited liability company, each member and their  
796 addresses shall be disclosed and the extent of their interest in  
797 the limited liability company shall be disclosed. If the  
798 applicant is a trust, the trustee and all beneficiaries and their  
799 addresses shall be disclosed. If the applicant is a combination



800 of any of the above, all information required to be disclosed  
801 above shall be required.

802 All the disclosures shall be in writing and kept on file at  
803 the commission's office and shall be available to the public.

804 Every applicant must, when applying for a renewal of his  
805 permit, disclose any change in the ownership of the business or  
806 any change in the beneficiaries of the income from the business.

807 Any person who willfully fails to fully disclose the \* \* \*  
808 information required by this section, or who gives false  
809 information, shall be guilty of a misdemeanor and, upon conviction  
810 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
811 (\$500.00) or imprisoned for not more than one (1) year, or both,  
812 and the person or applicant shall never again be eligible for any  
813 permit pertaining to alcoholic beverages.

814 **SECTION 10.** Section 67-1-57, Mississippi Code of 1972, is  
815 amended as follows:

816 67-1-57. Before a permit is issued the commission shall  
817 satisfy itself:

818 (a) That the applicant, if an individual, or if a  
819 partnership, each of the members of the partnership, or if a  
820 corporation, each of its principal officers and directors, or if a  
821 limited liability company, each member of the limited liability  
822 company, is of good moral character and, in addition, enjoys a  
823 reputation of being a peaceable, law-abiding citizen of the  
824 community in which he resides, and is generally fit for the trust  
825 to be reposed in him, is not less than twenty-one (21) years of  
826 age, and has not been convicted of a felony in any state or  
827 federal court.

828 (b) That, except in the case of an application for a  
829 solicitor's permit, the applicant is the true and actual owner of  
830 the business for which the permit is desired, and that he intends  
831 to carry on the business authorized for himself and not as the  
832 agent of any other person, and that he intends to superintend in

833 person the management of the business or that he will designate a  
834 manager to manage the business for him; any \* \* \* manager must be  
835 approved by the commission and must possess all of the  
836 qualifications required of a permittee.

837 (c) That the applicant for a package retailer's permit,  
838 if an individual, is a resident of the State of Mississippi. If  
839 the applicant is a partnership, each member of the partnership  
840 must be a resident of the state. If the applicant is a limited  
841 liability company, each member of the limited liability company  
842 must be a resident of the state. If the applicant is a  
843 corporation, the designated manager of the corporation must be a  
844 resident of the state.

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

848 (e) That the place for which the permit is to be issued  
849 is within the corporate limits of an incorporated municipality or  
850 qualified resort area or club which comes within the provisions of  
851 this chapter.

852 (f) That the applicant is not indebted to the state for  
853 any taxes, fees or payment of penalties imposed by any law of the  
854 State of Mississippi or by any rule or regulation of the  
855 commission.

856 (g) That the applicant is not in the habit of using  
857 alcoholic beverages to excess and is not physically or mentally  
858 incapacitated, and that the applicant has the ability to read and  
859 write the English language.

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

864 (i) That the applicant is not residentially domiciled  
865 with any person whose permit or license has been cancelled for

866 cause within the twelve (12) months next preceding the date of the  
867 present application for a permit.

868 (j) That the commission has not, in the exercise of its  
869 discretion which is reserved and preserved to it, refused to  
870 grant \* \* \* permits under the restrictions of this section, as  
871 well as under any other pertinent provision of this chapter.

872 (k) That there are not sufficient legal reasons to deny  
873 a permit on the ground that the premises for which the permit is  
874 sought has previously been operated, used or frequented for any  
875 purpose or in any manner that is lewd, immoral or offensive to  
876 public decency. In the granting or withholding of any permit to  
877 sell alcoholic beverages at retail, the commission in forming its  
878 conclusions may give consideration to any recommendations made in  
879 writing by the district or county attorney or county, circuit or  
880 chancery judge of the county, or the sheriff of the county, or the  
881 mayor or chief of police of an incorporated city or town wherein  
882 the applicant proposes to conduct his business and to any  
883 recommendations made by representatives of the commission.

884 (l) That the applicant and the applicant's key  
885 employees, as determined by the commission, do not have a  
886 disqualifying criminal record. In order to obtain a criminal  
887 record history check, the applicant shall submit to the commission  
888 a set of fingerprints from any local law enforcement agency for  
889 each person for whom the records check is required. The  
890 commission shall forward the fingerprints to the Mississippi  
891 Department of Public Safety. If no disqualifying record is  
892 identified at the state level, the Department of Public Safety  
893 shall forward the fingerprints to the Federal Bureau of  
894 Investigation for a national criminal history record check. Costs  
895 for processing the set or sets of fingerprints shall be borne by  
896 the applicant. The commission shall not deny employment to an  
897 employee of the applicant prior to the identification of a  
898 disqualifying record or other disqualifying information.

899           **SECTION 11.** Section 67-1-59, Mississippi Code of 1972, is  
900 amended as follows:

901           67-1-59. Where the word "applicant" is used in Section  
902 67-1-57 or in Sections 67-1-51, 67-1-53, 67-1-55 and 67-1-63, it  
903 shall also mean and include each member of a partnership, limited  
904 liability company or association and all officers and the owner or  
905 owners of the majority of the corporate stock of a corporation, as  
906 of the date of the application.

907           **SECTION 12.** Sections 27-71-19 and 67-5-15, Mississippi Code  
908 of 1972, which require suppliers selling alcoholic beverages to  
909 the State Tax Commission to affix revenue identification stamps to  
910 alcoholic beverage containers and require producers of native wine  
911 to affix a tax stamp to containers of native wine, are repealed.

912           **SECTION 13.** Sections 27-71-201 and 27-71-203, Mississippi  
913 Code of 1972, which impose a surcharge on sales of alcoholic  
914 beverage to be deposited into the ABC Warehouse Construction Fund  
915 and authorize the State Tax Commission to borrow money to fund  
916 construction of the ABC Warehouse, are repealed.

917           **SECTION 14.** This act shall take effect and be in force from  
918 and after its passage.