

By: Representative Watson

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1389

1 AN ACT TO AMEND SECTION 67-1-25, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE PROVISION THAT REQUIRES THAT PERSONS APPOINTED
3 DIRECTOR, AGENT OR INSPECTOR FOR THE STATE TAX COMMISSION UNDER
4 THE LOCAL OPTION ALCOHOLIC BEVERAGES CONTROL LAW MUST HAVE RESIDED
5 WITHIN THE STATE OF MISSISSIPPI FOR THE FIVE SUCCESSIVE YEARS
6 PRECEDING THE DATE OF THEIR APPOINTMENT; TO AMEND SECTION 67-3-19,
7 MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES A
8 MANAGER OR EMPLOYEE OF A LICENSED PREMISES UNDER THE LIGHT WINE
9 AND BEER LAWS TO BE A RESIDENT OF MISSISSIPPI IF HE IS ALSO AN
10 OFFICER, DIRECTOR OR SHAREHOLDER IN A CORPORATION THAT IS THE
11 HOLDER OF THE PERMIT FOR THE LICENSED PREMISES; TO AMEND SECTION
12 67-3-54, MISSISSIPPI CODE OF 1972, TO PROHIBIT PERSONS UNDER 21
13 YEARS OF AGE FROM TENDING BAR OR ACTING IN THE CAPACITY OF A
14 BARTENDER, AND TO REQUIRE PERSONS UNDER 21 YEARS OF AGE WHO HANDLE
15 LIGHT WINE OR BEER IN THE SCOPE OF THEIR EMPLOYMENT TO BE UNDER
16 THE IMMEDIATE SUPERVISION OF A PERSON 21 YEARS OF AGE OR OLDER; TO
17 AMEND SECTIONS 67-1-37, 67-3-31, 67-3-37 AND 67-3-74, MISSISSIPPI
18 CODE OF 1972, TO EXTEND UNTIL JULY 1, 2011, THE REPEAL DATE ON THE
19 PROVISIONS THAT ALLOW THE ENFORCEMENT AGENTS OF THE ALCOHOLIC
20 BEVERAGE CONTROL DIVISION OF THE STATE TAX COMMISSION TO ENFORCE
21 CERTAIN PROVISIONS OF THE LIGHT WINE AND BEER LAWS AND TO
22 AUTHORIZE SUCH AGENTS TO ENFORCE PROVISIONS OF THE LIGHT WINE AND
23 BEER LAW THAT PROHIBIT RETAILERS FROM POSSESSING OR SELLING LIGHT
24 WINE OR BEER BEFORE THEY HAVE SECURED A PERMIT OR DURING THE TIME
25 THEIR PERMIT IS REVOKED OR SUSPENDED; TO AMEND SECTION 67-1-77,
26 MISSISSIPPI CODE OF 1972, TO AUTHORIZE A DISTILLER, WINE
27 MANUFACTURER, BREWER, RECTIFIER, BLENDER OR BOTTLER OF ALCOHOLIC
28 BEVERAGES TO HAVE A FINANCIAL INTEREST IN A PREMISES UPON WHICH
29 ALCOHOLIC BEVERAGES ARE SOLD AT RETAIL BY A PERMITTEE OR IN THE
30 BUSINESS OF THE PERMITTEE IF THE PERMITTEE DOES NOT SELL OR SERVE
31 ANY ALCOHOLIC BEVERAGES PRODUCED BY SUCH DISTILLER, WINE
32 MANUFACTURER, BREWER, RECTIFIER, BLENDER OR BOTTLER; AND FOR
33 RELATED PURPOSES.

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

35 **SECTION 1.** Section 67-1-25, Mississippi Code of 1972, is
36 amended as follows:

37 67-1-25. No person shall be appointed director, agent or
38 inspector for the commission under this chapter who is not a
39 citizen of the United States * * *. No director, agent, inspector
40 or other employee shall be appointed under this chapter who has
41 been convicted of any violation of any federal or state law
42 concerning the manufacture, sale or possession of alcoholic liquor

43 prior or subsequent to July 1, 1966, or who has paid a fine or
44 penalty in settlement of any prosecution against him for any
45 violation of such laws or shall have forfeited his bond to appear
46 in court to answer charges for any such violation, nor shall any
47 person be so appointed who has been convicted of a felony in any
48 state or federal court. No person appointed or employed by the
49 commission under this chapter may, directly or indirectly,
50 individually or as a member of a partnership or limited liability
51 company, or as a shareholder of a corporation, have any interest
52 whatsoever in the manufacture, sale or distribution of alcoholic
53 liquor, or receive any compensation or profit therefrom, or have
54 any interest whatsoever in the purchases or sales made by the
55 persons authorized by this chapter to purchase or to sell
56 alcoholic liquor.

57 This section shall not prevent any person appointed or
58 employed by the commission from purchasing and keeping in his
59 possession for the use of himself or members of his family or
60 guests any alcoholic liquor which may be purchased or kept by any
61 other person by virtue of this chapter.

62 **SECTION 2.** Section 67-3-19, Mississippi Code of 1972, is
63 amended as follows:

64 67-3-19. Where application is made for a permit to engage in
65 the business of a retailer of light wine or beer, the applicant
66 shall show in his application that he possesses the following
67 qualifications:

68 (a) Applicant must be a person at least twenty-one (21)
69 years of age, of good moral character and a resident of the State
70 of Mississippi.

71 (b) Applicant shall not have been convicted of a
72 felony, or of pandering or of keeping or maintaining a house of
73 prostitution, or have been convicted within two (2) years of the
74 date of his application of any violation of the laws of this state
75 or the laws of the United States relating to alcoholic liquor.

76 (c) Applicant shall not have had revoked, except for a
77 violation of Section 67-3-52, within two (2) years next preceding
78 his application, any license or permit issued to him pursuant to
79 the laws of this state, or any other state, to sell alcoholic
80 liquor of any kind.

81 (d) Applicant shall be the owner of the premises for
82 which the permit is sought or the holder of an existing lease
83 thereon.

84 (e) Applicant shall not be residentially domiciled with
85 any person whose permit has been revoked for cause, except for a
86 violation of Section 67-3-52, within two (2) years next preceding
87 the date of the present application for a permit.

88 (f) The applicant has not had any license or permit to
89 sell beer or light wine at retail revoked, within five (5) years
90 next preceding his application, due to a violation of Section
91 67-3-52.

92 (g) Applicant shall not employ any person whose permit
93 has been revoked when such person owned or operated the business
94 on the premises for which a permit is sought or allow such person
95 to have any financial interest in the business of the applicant,
96 until such person is qualified to obtain a permit in his own name.

97 (h) The applicant is not indebted to the State of
98 Mississippi for any taxes.

99 (i) If applicant is a partnership, all members of the
100 partnership must be qualified to obtain a permit. Each member of
101 the partnership must be a resident of the State of Mississippi.

102 (j) If applicant is a corporation, all officers and
103 directors thereof, and any stockholder owning more than five
104 percent (5%) of the stock of such corporation, and the person or
105 persons who shall conduct and manage the licensed premises for the
106 corporation shall possess all the qualifications required herein
107 for any individual permittee. However, the requirements as to

108 residence shall not apply to officers, directors and stockholders
109 of such corporation * * *.

110 Any misstatement or concealment of fact in an application
111 shall be ground for denial of the application or for revocation of
112 the permit issued thereon.

113 The commissioner may refuse to issue a permit to an applicant
114 for a place that is frequented by known criminals, prostitutes, or
115 other law violators or troublemakers who disturb the peace and
116 quietude of the community and frequently require the assistance of
117 peace officers to apprehend such law violators or to restore
118 order. The burden of proof of establishing the foregoing shall
119 rest upon the commissioner.

120 **SECTION 3.** Section 67-3-54, Mississippi Code of 1972, is
121 amended as follows:

122 67-3-54. (1) A person who is at least eighteen (18) years
123 of age but under the age of twenty-one (21) years may possess and
124 consume light wine or beer with the consent of his parent or legal
125 guardian in the presence of his parent or legal guardian, and it
126 shall not be unlawful for the parent, legal guardian or spouse of
127 such person to furnish light wine or beer to such person who is at
128 least eighteen (18) years of age.

129 (2) A person who is at least eighteen (18) years of age and
130 who is serving in the armed services of the United States may
131 lawfully possess and consume light wine or beer on military
132 property where the consumption of light wine or beer is allowed.

133 (3) A person who is under twenty-one (21) years of age shall
134 not be deemed to unlawfully possess or furnish light wine or beer,
135 if in the scope of his employment such person:

136 (a) Clears or buses tables that have glasses or other
137 containers that contain or did contain light wine or beer;

138 (b) Waits on tables by taking orders for light wine or
139 beer; or

140 (c) Stocks, bags or otherwise handles purchases of
141 light wine or beer at a store.

142 (4) The provisions of subsection (3) of this section shall
143 not authorize a person who is under twenty-one (21) years of age
144 to tend bar or act in the capacity of a bartender. Any person
145 under twenty-one (21) years of age who handles light wine or beer
146 in the scope of his employment shall be under the immediate
147 supervision of a person twenty-one (21) years of age or older.

148 **SECTION 4.** Section 67-1-37, Mississippi Code of 1972, is
149 amended as follows:

150 **[Until July 1, 2011, this section will read as follows:]**

151 67-1-37. The State Tax Commission, under its duties and
152 powers with respect to the Alcoholic Beverage Control Division
153 therein, shall have the following powers, functions and duties:

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

158 (b) To revoke, suspend or cancel, for violation of or
159 noncompliance with the provisions of this chapter, or the law
160 governing the production and sale of native wines, or any lawful
161 rules and regulations of the commission issued hereunder, or for
162 other sufficient cause, any permit issued by it under the
163 provisions of this chapter; however, no such permit shall be
164 revoked, suspended or cancelled except after a hearing of which
165 the permit holder shall have been given reasonable notice and an
166 opportunity to be heard. The board shall be authorized to suspend
167 the permit of any permit holder for being out of compliance with
168 an order for support, as defined in Section 93-11-153. The
169 procedure for suspension of a permit for being out of compliance
170 with an order for support, and the procedure for the reissuance or
171 reinstatement of a permit suspended for that purpose, and the
172 payment of any fees for the reissuance or reinstatement of a

173 permit suspended for that purpose, shall be governed by Section
174 93-11-157 or Section 93-11-163, as the case may be. If there is
175 any conflict between any provision of Section 93-11-157 or Section
176 93-11-163 and any provision of this chapter, the provisions of
177 Section 93-11-157 or Section 93-11-163, as the case may be, shall
178 control.

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

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

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

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

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

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

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

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

225 (k) To inspect, or cause to be inspected, any premises
226 where alcoholic liquors intended for sale are manufactured,
227 stored, distributed or sold, and to examine or cause to be
228 examined all books and records pertaining to the business
229 conducted therein.

230 (l) In the conduct of any hearing authorized to be held
231 by the commission, to hear testimony and take proof material for
232 its information in the discharge of its duties under this chapter;
233 to issue subpoenas, which shall be effective in any part of this
234 state, requiring the attendance of witnesses and the production of
235 books and records; to administer or cause to be administered
236 oaths; and to examine or cause to be examined any witness under
237 oath. Any court of record, or any judge thereof, may by order
238 duly entered require the attendance of witnesses and the

239 production of relevant books subpoenaed by the commission, and
240 such court or judge may compel obedience to its or his order by
241 proceedings for contempt.

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

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

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

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

262 (q) To enforce the provisions made unlawful by Sections
263 67-3-13, 67-3-15, 67-3-53, 67-3-57 and 67-3-70.

264 **[From and after July 1, 2011, this section will read as**
265 **follows:]**

266 67-1-37. The State Tax Commission, under its duties and
267 powers with respect to the Alcoholic Beverage Control Division
268 therein, shall have the following powers, functions and duties:

269 (a) To issue or refuse to issue any permit provided for
270 by this chapter, or to extend the permit or remit in whole or any

271 part of the permit monies when the permit cannot be used due to a
272 natural disaster or Act of God.

273 (b) To revoke, suspend or cancel, for violation of or
274 noncompliance with the provisions of this chapter, or the law
275 governing the production and sale of native wines, or any lawful
276 rules and regulations of the commission issued hereunder, or for
277 other sufficient cause, any permit issued by it under the
278 provisions of this chapter; however, no such permit shall be
279 revoked, suspended or cancelled except after a hearing of which
280 the permit holder shall have been given reasonable notice and an
281 opportunity to be heard. The board shall be authorized to suspend
282 the permit of any permit holder for being out of compliance with
283 an order for support, as defined in Section 93-11-153. The
284 procedure for suspension of a permit for being out of compliance
285 with an order for support, and the procedure for the reissuance or
286 reinstatement of a permit suspended for that purpose, and the
287 payment of any fees for the reissuance or reinstatement of a
288 permit suspended for that purpose, shall be governed by Section
289 93-11-157 or 93-11-163, as the case may be. If there is any
290 conflict between any provision of Section 93-11-157 or 93-11-163
291 and any provision of this chapter, the provisions of Section
292 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

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

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

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

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

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

333 (j) To prepare and submit to the Governor during the
334 month of January of each year a detailed report of its official
335 acts during the preceding fiscal year ending June 30, including

336 such recommendations as it may see fit to make, and to transmit a
337 like report to each member of the Legislature of this state upon
338 the convening thereof at its next regular session.

339 (k) To inspect, or cause to be inspected, any premises
340 where alcoholic liquors intended for sale are manufactured,
341 stored, distributed or sold, and to examine or cause to be
342 examined all books and records pertaining to the business
343 conducted therein.

344 (l) In the conduct of any hearing authorized to be held
345 by the commission, to hear testimony and take proof material for
346 its information in the discharge of its duties under this chapter;
347 to issue subpoenas, which shall be effective in any part of this
348 state, requiring the attendance of witnesses and the production of
349 books and records; to administer or cause to be administered
350 oaths; and to examine or cause to be examined any witness under
351 oath. Any court of record, or any judge thereof, may by order
352 duly entered require the attendance of witnesses and the
353 production of relevant books subpoenaed by the commission, and
354 such court or judge may compel obedience to its or his order by
355 proceedings for contempt.

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

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

364 (o) To assign employees to posts of duty at locations
365 where they will be most beneficial for the control of alcoholic
366 beverages, to remove, to dismiss, to suspend without pay, to act
367 as a trial board in hearings based upon charges against employees.
368 After twelve (12) months' service, no employee shall be removed,

369 dismissed, demoted or suspended without just cause and only after
370 being furnished with reasons for such removal, dismissal, demotion
371 or suspension, and upon request given a hearing in his own
372 defense.

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

376 **SECTION 5.** Section 67-3-31, Mississippi Code of 1972, is
377 amended as follows:

378 **[Until July 1, 2011, this section will read as follows:]**

379 67-3-31. Proceedings for the revocation or suspension of any
380 permit authorizing the sale of beer or wine at retail for a
381 violation of any of the provisions of Section 67-3-53 may be
382 brought in the circuit or county court of the county in which the
383 licensed premises are located. Such proceedings shall be entitled
384 in the name of the state and against the permittee and shall be
385 instituted by filing a complaint with the clerk of the court. The
386 complaint may be filed by the county prosecuting attorney of the
387 county upon his own initiative or, then by the district attorney
388 of the district in which the county is located, and it shall be
389 mandatory upon the county prosecuting attorney, or district
390 attorney, as the case may be, to file a complaint when requested
391 to do so by a peace officer or any person as * * * provided in
392 this section. Any peace officer within his jurisdiction or any
393 enforcement officer of the Alcoholic Beverage Control Division
394 within the State Tax Commission who learns that a retail permittee
395 within his jurisdiction has violated any of the provisions of such
396 section shall file with the county prosecuting attorney of the
397 county in which the licensed premises are located, or, then with
398 the district attorney of the district in which such county is
399 located, an affidavit specifying in detail the facts alleged to
400 constitute such violation, and requesting that a complaint be
401 filed against the permittee for the revocation or suspension of

402 his permit. A like affidavit may be filed with the county
403 prosecuting attorney, or district attorney, as the case may be, by
404 any person who resides, and has for at least one (1) year prior
405 thereto resided within the county in which the licensed premises
406 are located requesting that a complaint be filed for the
407 revocation or suspension of the permittee's permit. Promptly upon
408 receiving any such affidavit the county prosecuting attorney, or
409 district attorney, shall prepare a proper complaint, which shall
410 be signed and sworn to by the person or persons filing the
411 affidavit with him, and the county prosecuting attorney or
412 district attorney shall file the complaint with the clerk of the
413 circuit or county court.

414 **[From and after July 1, 2011, this section will read as**
415 **follows:]**

416 67-3-31. Proceedings for the revocation or suspension of any
417 permit authorizing the sale of beer or wine at retail for a
418 violation of any of the provisions of Section 67-3-53 may be
419 brought in the circuit or county court of the county in which the
420 licensed premises are located. Such proceedings shall be entitled
421 in the name of the state and against the permittee and shall be
422 instituted by filing a complaint with the clerk of the court. The
423 complaint may be filed by the county prosecuting attorney of the
424 county upon his own initiative or, then by the district attorney
425 of the district in which the county is located, and it shall be
426 mandatory upon the county prosecuting attorney, or district
427 attorney, as the case may be, to file a complaint when requested
428 to do so by a peace officer or any person as * * * provided in
429 this section. Any peace officer who learns that a retail
430 permittee within his jurisdiction has violated any of the
431 provisions of such section shall file with the county prosecuting
432 attorney of the county in which the licensed premises are located,
433 or, then with the district attorney of the district in which such
434 county is located, an affidavit specifying in detail the facts

435 alleged to constitute such violation, and requesting that a
436 complaint be filed against the permittee for the revocation or
437 suspension of his permit. A like affidavit may be filed with the
438 county prosecuting attorney, or district attorney, as the case may
439 be, by any person who resides, and has for at least one (1) year
440 prior thereto resided within the county in which the licensed
441 premises are located requesting that a complaint be filed for the
442 revocation or suspension of the permittee's permit. Promptly upon
443 receiving any such affidavit the county prosecuting attorney, or
444 district attorney, shall prepare a proper complaint, which shall
445 be signed and sworn to by the person or persons filing the
446 affidavit with him, and the county prosecuting attorney or
447 district attorney shall file the complaint with the clerk of the
448 circuit or county court.

449 **SECTION 6.** Section 67-3-37, Mississippi Code of 1972, is
450 amended as follows:

451 **[Until July 1, 2011, this section will read as follows:]**

452 67-3-37. It shall be the duty of the county prosecuting
453 attorney or the district attorney, as the case may be, to file
454 complaints as provided in Section 67-3-31 and to prosecute
455 diligently and without delay all complaints filed by him.

456 It shall be the duty of all peace officers, within their
457 jurisdiction, and all enforcement officers of the Alcoholic
458 Beverage Control Division of the State Tax Commission to enforce
459 the provisions of Section 67-3-53 and they shall frequently visit
460 all licensed premises within their jurisdiction to determine
461 whether such permittees are complying with the laws. They shall
462 promptly investigate all complaints made to them by any citizen
463 relative to any alleged violations of such section within their
464 jurisdiction. When any peace officer or enforcement officer of
465 the Alcoholic Beverage Control Division has knowledge of a
466 violation of such section committed by a permittee within his
467 jurisdiction, it shall be his duty forthwith to file an affidavit

468 with the county prosecuting attorney or district attorney
469 requesting that a complaint be filed for the revocation or
470 suspension of the permit of the permittee.

471 **[From and after July 1, 2011, this section will read as**
472 **follows:]**

473 67-3-37. It shall be the duty of the county prosecuting
474 attorney or the district attorney, as the case may be, to file
475 complaints as provided in Section 67-3-31 and to prosecute
476 diligently and without delay all complaints filed by him.

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

489 **SECTION 7.** Section 67-3-74, Mississippi Code of 1972, is
490 amended as follows:

491 67-3-74. (1) In addition to peace officers within their
492 jurisdiction, all enforcement officers of the Alcoholic Beverage
493 Control Division of the State Tax Commission are authorized to
494 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,
495 67-3-53, 67-3-57 and 67-3-70; provided, however, that the
496 provisions prohibiting the sale of light wine or beer to persons
497 under the age of twenty-one (21) years shall be enforced by the
498 division as provided for in this section.

499 (2) (a) The Alcoholic Beverage Control Division shall
500 investigate violations of the laws prohibiting the sale of light

501 wine or beer to persons under the age of twenty-one (21) years
502 upon receipt of a complaint or information from a person stating
503 that they have knowledge of such violation.

504 (b) Upon receipt of such complaint or information, the
505 Alcoholic Beverage Control Division shall notify the permit holder
506 of the complaint by certified mail to the primary business office
507 of such permit holder or by hand delivery of the complaint or
508 information to the primary business office of such holder, except
509 in cases where the complaint or information is received from any
510 law enforcement officer.

511 (c) If an enforcement officer of the Alcoholic Beverage
512 Control Division enters the business of the holder of the permit
513 to investigate a complaint and discovers a violation, the agent
514 shall notify the person that committed the violation and the
515 holder of the permit:

516 (i) Within ten (10) days after such violation,
517 Sundays and holidays excluded, if the business sells light wine or
518 beer for on-premises consumption; and

519 (ii) Within seventy-two (72) hours after such
520 violation, Sundays and holidays excluded, if the business does not
521 sell light wine or beer for on-premises consumption.

522 (3) The provisions of this section shall be repealed on July
523 1, 2011.

524 **SECTION 8.** Section 67-1-77, Mississippi Code of 1972, is
525 amended as follows:

526 67-1-77. (1) It shall be unlawful for the holder of a
527 manufacturer's or wholesaler's permit, or anyone connected with
528 the business of such holder, or for any other distiller, wine
529 manufacturer, brewer, rectifier, blender, or bottler, to have any
530 financial interest in any premises upon which any alcoholic
531 beverage is sold at retail by any permittee, or in the business
532 conducted by such permittee, except that:

533 (a) The holder of a manufacturer's or wholesaler's
534 permit may contract for the service of a representative in the
535 area of governmental affairs on a part-time basis with a holder of
536 an on-premises permit.

537 (b) A distiller, wine manufacturer, brewer, rectifier,
538 blender or bottler may have a financial interest in a premises
539 upon which alcoholic beverages are sold at retail by a permittee,
540 or in the business conducted by a permittee, if the permittee does
541 not sell or serve any alcoholic beverages that are distilled,
542 manufactured, brewed, rectified, blended or bottled by the
543 distiller, wine manufacturer, brewer, rectifier, blender or
544 bottler having the financial interest in the premises or in the
545 business conducted by a permittee.

546 (2) It shall also be unlawful for any such person, or anyone
547 connected with his, its, or their business to lend any money or
548 make any gift or offer any gratuity, to any retail permittee,
549 except as authorized by regulations of the commission, to the
550 holder of any retail permit issued under the provisions of this
551 chapter. Except as above provided, no retail permittee shall
552 accept, receive, or make use of any money or gift furnished by any
553 such person, or become indebted to such person except for the
554 purchase of alcoholic beverages.

555 (3) The commission shall not prohibit the furnishing of
556 advertising specialties, printed materials, or other things having
557 nominal value to a retail permittee. This section shall not be
558 construed to prohibit the possession by any person of advertising
559 specialties, printed materials, or other things having nominal
560 value furnished by a retail permittee.

561 (4) Any person violating the provisions of this section
562 shall, upon conviction, be punished by a fine of not more than
563 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more
564 than two (2) years, or by both such fine and imprisonment, in the
565 discretion of the court.

566 **SECTION 9.** Section 8 of this act shall take effect and be in
567 force from and after its passage. The remainder of this act shall
568 take effect and be in force from and after July 1, 2007.