

By: Representative Watson

To: Ways and Means

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 TO HAVE A
 28 FINANCIAL INTEREST IN A PREMISES UPON WHICH ALCOHOLIC BEVERAGES
 29 ARE SOLD AT RETAIL BY A PERMITTEE IF THE PERMITTEE DOES NOT SELL
 30 OR SERVE ANY ALCOHOLIC BEVERAGES PRODUCED BY SUCH DISTILLER, WINE
 31 MANUFACTURER, BREWER RECTIFIER, BLENDER OR BOTTLER; AND FOR
 32 RELATED PURPOSES.

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

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

36 67-1-25. No person shall be appointed director, agent or
 37 inspector for the commission under this chapter who is not a
 38 citizen of the United States * * *. No director, agent, inspector
 39 or other employee shall be appointed under this chapter who has
 40 been convicted of any violation of any federal or state law
 41 concerning the manufacture, sale or possession of alcoholic liquor
 42 prior or subsequent to July 1, 1966, or who has paid a fine or

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

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

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

63 67-3-19. Where application is made for a permit to engage in
64 the business of a retailer of light wine or beer, the applicant
65 shall show in his application that he possesses the following
66 qualifications:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 67-3-54. (1) A person who is at least eighteen (18) years
122 of age but under the age of twenty-one (21) years may possess and
123 consume light wine or beer with the consent of his parent or legal
124 guardian in the presence of his parent or legal guardian, and it
125 shall not be unlawful for the parent, legal guardian or spouse of
126 such person to furnish light wine or beer to such person who is at
127 least eighteen (18) years of age.

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

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

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

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

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

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

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

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

150 67-1-37. The State Tax Commission, under its duties and
151 powers with respect to the Alcoholic Beverage Control Division
152 therein, shall have the following powers, functions and duties:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

265 67-1-37. The State Tax Commission, under its duties and
266 powers with respect to the Alcoholic Beverage Control Division
267 therein, shall have the following powers, functions and duties:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

378 67-3-31. Proceedings for the revocation or suspension of any
379 permit authorizing the sale of beer or wine at retail for a
380 violation of any of the provisions of Section 67-3-53 may be
381 brought in the circuit or county court of the county in which the
382 licensed premises are located. Such proceedings shall be entitled
383 in the name of the state and against the permittee and shall be
384 instituted by filing a complaint with the clerk of the court. The
385 complaint may be filed by the county prosecuting attorney of the
386 county upon his own initiative or, then by the district attorney
387 of the district in which the county is located, and it shall be
388 mandatory upon the county prosecuting attorney, or district
389 attorney, as the case may be, to file a complaint when requested
390 to do so by a peace officer or any person as * * * provided in
391 this section. Any peace officer within his jurisdiction or any
392 enforcement officer of the Alcoholic Beverage Control Division
393 within the State Tax Commission who learns that a retail permittee
394 within his jurisdiction has violated any of the provisions of such
395 section shall file with the county prosecuting attorney of the
396 county in which the licensed premises are located, or, then with
397 the district attorney of the district in which such county is
398 located, an affidavit specifying in detail the facts alleged to
399 constitute such violation, and requesting that a complaint be
400 filed against the permittee for the revocation or suspension of

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

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

415 67-3-31. Proceedings for the revocation or suspension of any
416 permit authorizing the sale of beer or wine at retail for a
417 violation of any of the provisions of Section 67-3-53 may be
418 brought in the circuit or county court of the county in which the
419 licensed premises are located. Such proceedings shall be entitled
420 in the name of the state and against the permittee and shall be
421 instituted by filing a complaint with the clerk of the court. The
422 complaint may be filed by the county prosecuting attorney of the
423 county upon his own initiative or, then by the district attorney
424 of the district in which the county is located, and it shall be
425 mandatory upon the county prosecuting attorney, or district
426 attorney, as the case may be, to file a complaint when requested
427 to do so by a peace officer or any person as * * * provided in
428 this section. Any peace officer who learns that a retail
429 permittee within his jurisdiction has violated any of the
430 provisions of such section shall file with the county prosecuting
431 attorney of the county in which the licensed premises are located,
432 or, then with the district attorney of the district in which such
433 county is located, an affidavit specifying in detail the facts

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

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

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

451 67-3-37. It shall be the duty of the county prosecuting
452 attorney or the district attorney, as the case may be, to file
453 complaints as provided in Section 67-3-31 and to prosecute
454 diligently and without delay all complaints filed by him.

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

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

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

472 67-3-37. It shall be the duty of the county prosecuting
473 attorney or the district attorney, as the case may be, to file
474 complaints as provided in Section 67-3-31 and to prosecute
475 diligently and without delay all complaints filed by him.

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

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

490 67-3-74. (1) In addition to peace officers within their
491 jurisdiction, all enforcement officers of the Alcoholic Beverage
492 Control Division of the State Tax Commission are authorized to
493 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,
494 67-3-53, 67-3-57 and 67-3-70; provided, however, that the
495 provisions prohibiting the sale of light wine or beer to persons
496 under the age of twenty-one (21) years shall be enforced by the
497 division as provided for in this section.

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

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

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

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

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

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

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

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

525 67-1-77. (1) It shall be unlawful for the holder of a
526 manufacturer's or wholesaler's permit, or anyone connected with
527 the business of such holder, or for any other distiller, wine
528 manufacturer, brewer, rectifier, blender or bottler, to have any
529 financial interest in any premises upon which any alcoholic
530 beverage is sold at retail by any permittee, or in the business
531 conducted by such permittee; * * * however:

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

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

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

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

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

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