

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1389  
(As Passed the House)

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 SECTIONS  
12 67-1-37, 67-3-31, 67-3-37 AND 67-3-74, MISSISSIPPI CODE OF 1972,  
13 TO EXTEND UNTIL JULY 1, 2011, THE REPEAL DATE ON THE PROVISIONS  
14 THAT ALLOW THE ENFORCEMENT AGENTS OF THE ALCOHOLIC BEVERAGE  
15 CONTROL DIVISION OF THE STATE TAX COMMISSION TO ENFORCE CERTAIN  
16 PROVISIONS OF THE LIGHT WINE AND BEER LAWS AND TO AUTHORIZE SUCH  
17 AGENTS TO ENFORCE PROVISIONS OF THE LIGHT WINE AND BEER LAW THAT  
18 PROHIBIT RETAILERS FROM POSSESSING OR SELLING LIGHT WINE OR BEER  
19 BEFORE THEY HAVE SECURED A PERMIT OR DURING THE TIME THEIR PERMIT  
20 IS REVOKED OR SUSPENDED; TO AMEND SECTION 67-1-77, MISSISSIPPI  
21 CODE OF 1972, TO AUTHORIZE A DISTILLER, WINE MANUFACTURER, BREWER,  
22 RECTIFIER, BLENDER OR BOTTLER OF ALCOHOLIC BEVERAGES TO HAVE A  
23 FINANCIAL INTEREST IN A PREMISES UPON WHICH ALCOHOLIC BEVERAGES  
24 ARE SOLD AT RETAIL BY A PERMITTEE OR IN THE BUSINESS OF THE  
25 PERMITTEE IF THE PERMITTEE DOES NOT SELL OR SERVE ANY ALCOHOLIC  
26 BEVERAGES PRODUCED BY SUCH DISTILLER, WINE MANUFACTURER, BREWER,  
27 RECTIFIER, BLENDER OR BOTTLER; AND FOR RELATED PURPOSES.

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

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

31 67-1-25. No person shall be appointed director, agent or  
32 inspector for the commission under this chapter who is not a  
33 citizen of the United States \* \* \*. No director, agent, inspector  
34 or other employee shall be appointed under this chapter who has  
35 been convicted of any violation of any federal or state law  
36 concerning the manufacture, sale or possession of alcoholic liquor  
37 prior or subsequent to July 1, 1966, or who has paid a fine or  
38 penalty in settlement of any prosecution against him for any  
39 violation of such laws or shall have forfeited his bond to appear

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

51 This section shall not prevent any person appointed or  
52 employed by the commission from purchasing and keeping in his  
53 possession for the use of himself or members of his family or  
54 guests any alcoholic liquor which may be purchased or kept by any  
55 other person by virtue of this chapter.

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

58 67-3-19. Where application is made for a permit to engage in  
59 the business of a retailer of light wine or beer, the applicant  
60 shall show in his application that he possesses the following  
61 qualifications:

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

65 (b) Applicant shall not have been convicted of a  
66 felony, or of pandering or of keeping or maintaining a house of  
67 prostitution, or have been convicted within two (2) years of the  
68 date of his application of any violation of the laws of this state  
69 or the laws of the United States relating to alcoholic liquor.

70 (c) Applicant shall not have had revoked, except for a  
71 violation of Section 67-3-52, within two (2) years next preceding  
72 his application, any license or permit issued to him pursuant to

73 the laws of this state, or any other state, to sell alcoholic  
74 liquor of any kind.

75 (d) Applicant shall be the owner of the premises for  
76 which the permit is sought or the holder of an existing lease  
77 thereon.

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

82 (f) The applicant has not had any license or permit to  
83 sell beer or light wine at retail revoked, within five (5) years  
84 next preceding his application, due to a violation of Section  
85 67-3-52.

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

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

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

96 (j) If applicant is a corporation, all officers and  
97 directors thereof, and any stockholder owning more than five  
98 percent (5%) of the stock of such corporation, and the person or  
99 persons who shall conduct and manage the licensed premises for the  
100 corporation shall possess all the qualifications required herein  
101 for any individual permittee. However, the requirements as to  
102 residence shall not apply to officers, directors and stockholders  
103 of such corporation \* \* \*.

104 Any misstatement or concealment of fact in an application  
105 shall be ground for denial of the application or for revocation of  
106 the permit issued thereon.

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

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

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

117 67-1-37. The State Tax Commission, under its duties and  
118 powers with respect to the Alcoholic Beverage Control Division  
119 therein, shall have the following powers, functions and duties:

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

124 (b) To revoke, suspend or cancel, for violation of or  
125 noncompliance with the provisions of this chapter, or the law  
126 governing the production and sale of native wines, or any lawful  
127 rules and regulations of the commission issued hereunder, or for  
128 other sufficient cause, any permit issued by it under the  
129 provisions of this chapter; however, no such permit shall be  
130 revoked, suspended or cancelled except after a hearing of which  
131 the permit holder shall have been given reasonable notice and an  
132 opportunity to be heard. The board shall be authorized to suspend  
133 the permit of any permit holder for being out of compliance with  
134 an order for support, as defined in Section 93-11-153. The  
135 procedure for suspension of a permit for being out of compliance  
136 with an order for support, and the procedure for the reissuance or

137 reinstatement of a permit suspended for that purpose, and the  
138 payment of any fees for the reissuance or reinstatement of a  
139 permit suspended for that purpose, shall be governed by Section  
140 93-11-157 or Section 93-11-163, as the case may be. If there is  
141 any conflict between any provision of Section 93-11-157 or Section  
142 93-11-163 and any provision of this chapter, the provisions of  
143 Section 93-11-157 or Section 93-11-163, as the case may be, shall  
144 control.

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

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

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

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

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

170 no alcoholic beverage shall be for sale or consumed at any public  
171 athletic event at any grammar or high school or any college.

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

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

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

191 (k) To inspect, or cause to be inspected, any premises  
192 where alcoholic liquors intended for sale are manufactured,  
193 stored, distributed or sold, and to examine or cause to be  
194 examined all books and records pertaining to the business  
195 conducted therein.

196 (l) In the conduct of any hearing authorized to be held  
197 by the commission, to hear testimony and take proof material for  
198 its information in the discharge of its duties under this chapter;  
199 to issue subpoenas, which shall be effective in any part of this  
200 state, requiring the attendance of witnesses and the production of  
201 books and records; to administer or cause to be administered  
202 oaths; and to examine or cause to be examined any witness under

203 oath. Any court of record, or any judge thereof, may by order  
204 duly entered require the attendance of witnesses and the  
205 production of relevant books subpoenaed by the commission, and  
206 such court or judge may compel obedience to its or his order by  
207 proceedings for contempt.

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

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

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

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

228 (q) To enforce the provisions made unlawful by Sections  
229 67-3-13, 67-3-15, 67-3-53, 67-3-57 and 67-3-70.

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

232 67-1-37. The State Tax Commission, under its duties and  
233 powers with respect to the Alcoholic Beverage Control Division  
234 therein, shall have the following powers, functions and duties:

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

239           (b) To revoke, suspend or cancel, for violation of or  
240 noncompliance with the provisions of this chapter, or the law  
241 governing the production and sale of native wines, or any lawful  
242 rules and regulations of the commission issued hereunder, or for  
243 other sufficient cause, any permit issued by it under the  
244 provisions of this chapter; however, no such permit shall be  
245 revoked, suspended or cancelled except after a hearing of which  
246 the permit holder shall have been given reasonable notice and an  
247 opportunity to be heard. The board shall be authorized to suspend  
248 the permit of any permit holder for being out of compliance with  
249 an order for support, as defined in Section 93-11-153. The  
250 procedure for suspension of a permit for being out of compliance  
251 with an order for support, and the procedure for the reissuance or  
252 reinstatement of a permit suspended for that purpose, and the  
253 payment of any fees for the reissuance or reinstatement of a  
254 permit suspended for that purpose, shall be governed by Section  
255 93-11-157 or 93-11-163, as the case may be. If there is any  
256 conflict between any provision of Section 93-11-157 or 93-11-163  
257 and any provision of this chapter, the provisions of Section  
258 93-11-157 or 93-11-163, as the case may be, shall control.

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

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



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

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

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

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

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

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

305           (k) To inspect, or cause to be inspected, any premises  
306 where alcoholic liquors intended for sale are manufactured,  
307 stored, distributed or sold, and to examine or cause to be  
308 examined all books and records pertaining to the business  
309 conducted therein.

310           (l) In the conduct of any hearing authorized to be held  
311 by the commission, to hear testimony and take proof material for  
312 its information in the discharge of its duties under this chapter;  
313 to issue subpoenas, which shall be effective in any part of this  
314 state, requiring the attendance of witnesses and the production of  
315 books and records; to administer or cause to be administered  
316 oaths; and to examine or cause to be examined any witness under  
317 oath. Any court of record, or any judge thereof, may by order  
318 duly entered require the attendance of witnesses and the  
319 production of relevant books subpoenaed by the commission, and  
320 such court or judge may compel obedience to its or his order by  
321 proceedings for contempt.

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

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

330           (o) To assign employees to posts of duty at locations  
331 where they will be most beneficial for the control of alcoholic

332 beverages, to remove, to dismiss, to suspend without pay, to act  
333 as a trial board in hearings based upon charges against employees.  
334 After twelve (12) months' service, no employee shall be removed,  
335 dismissed, demoted or suspended without just cause and only after  
336 being furnished with reasons for such removal, dismissal, demotion  
337 or suspension, and upon request given a hearing in his own  
338 defense.

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

342 **SECTION 4.** Section 67-3-31, Mississippi Code of 1972, is  
343 amended as follows:

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

345 67-3-31. Proceedings for the revocation or suspension of any  
346 permit authorizing the sale of beer or wine at retail for a  
347 violation of any of the provisions of Section 67-3-53 may be  
348 brought in the circuit or county court of the county in which the  
349 licensed premises are located. Such proceedings shall be entitled  
350 in the name of the state and against the permittee and shall be  
351 instituted by filing a complaint with the clerk of the court. The  
352 complaint may be filed by the county prosecuting attorney of the  
353 county upon his own initiative or, then by the district attorney  
354 of the district in which the county is located, and it shall be  
355 mandatory upon the county prosecuting attorney, or district  
356 attorney, as the case may be, to file a complaint when requested  
357 to do so by a peace officer or any person as \* \* \* provided in  
358 this section. Any peace officer within his jurisdiction or any  
359 enforcement officer of the Alcoholic Beverage Control Division  
360 within the State Tax Commission who learns that a retail permittee  
361 within his jurisdiction has violated any of the provisions of such  
362 section shall file with the county prosecuting attorney of the  
363 county in which the licensed premises are located, or, then with  
364 the district attorney of the district in which such county is

365 located, an affidavit specifying in detail the facts alleged to  
366 constitute such violation, and requesting that a complaint be  
367 filed against the permittee for the revocation or suspension of  
368 his permit. A like affidavit may be filed with the county  
369 prosecuting attorney, or district attorney, as the case may be, by  
370 any person who resides, and has for at least one (1) year prior  
371 thereto resided within the county in which the licensed premises  
372 are located requesting that a complaint be filed for the  
373 revocation or suspension of the permittee's permit. Promptly upon  
374 receiving any such affidavit the county prosecuting attorney, or  
375 district attorney, shall prepare a proper complaint, which shall  
376 be signed and sworn to by the person or persons filing the  
377 affidavit with him, and the county prosecuting attorney or  
378 district attorney shall file the complaint with the clerk of the  
379 circuit or county court.

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

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

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

415 **SECTION 5.** Section 67-3-37, Mississippi Code of 1972, is  
416 amended as follows:

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

418 67-3-37. It shall be the duty of the county prosecuting  
419 attorney or the district attorney, as the case may be, to file  
420 complaints as provided in Section 67-3-31 and to prosecute  
421 diligently and without delay all complaints filed by him.

422 It shall be the duty of all peace officers, within their  
423 jurisdiction, and all enforcement officers of the Alcoholic  
424 Beverage Control Division of the State Tax Commission to enforce  
425 the provisions of Section 67-3-53 and they shall frequently visit  
426 all licensed premises within their jurisdiction to determine  
427 whether such permittees are complying with the laws. They shall  
428 promptly investigate all complaints made to them by any citizen  
429 relative to any alleged violations of such section within their  
430 jurisdiction. When any peace officer or enforcement officer of

431 the Alcoholic Beverage Control Division has knowledge of a  
432 violation of such section committed by a permittee within his  
433 jurisdiction, it shall be his duty forthwith to file an affidavit  
434 with the county prosecuting attorney or district attorney  
435 requesting that a complaint be filed for the revocation or  
436 suspension of the permit of the permittee.

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

439 67-3-37. It shall be the duty of the county prosecuting  
440 attorney or the district attorney, as the case may be, to file  
441 complaints as provided in Section 67-3-31 and to prosecute  
442 diligently and without delay all complaints filed by him.

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

455 **SECTION 6.** Section 67-3-74, Mississippi Code of 1972, is  
456 amended as follows:

457 67-3-74. (1) In addition to peace officers within their  
458 jurisdiction, all enforcement officers of the Alcoholic Beverage  
459 Control Division of the State Tax Commission are authorized to  
460 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,  
461 67-3-53, 67-3-57 and 67-3-70; provided, however, that the  
462 provisions prohibiting the sale of light wine or beer to persons

463 under the age of twenty-one (21) years shall be enforced by the  
464 division as provided for in this section.

465 (2) (a) The Alcoholic Beverage Control Division shall  
466 investigate violations of the laws prohibiting the sale of light  
467 wine or beer to persons under the age of twenty-one (21) years  
468 upon receipt of a complaint or information from a person stating  
469 that they have knowledge of such violation.

470 (b) Upon receipt of such complaint or information, the  
471 Alcoholic Beverage Control Division shall notify the permit holder  
472 of the complaint by certified mail to the primary business office  
473 of such permit holder or by hand delivery of the complaint or  
474 information to the primary business office of such holder, except  
475 in cases where the complaint or information is received from any  
476 law enforcement officer.

477 (c) If an enforcement officer of the Alcoholic Beverage  
478 Control Division enters the business of the holder of the permit  
479 to investigate a complaint and discovers a violation, the agent  
480 shall notify the person that committed the violation and the  
481 holder of the permit:

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

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

488 (3) The provisions of this section shall be repealed on July  
489 1, 2011.

490 **SECTION 7.** Section 67-1-77, Mississippi Code of 1972, is  
491 amended as follows:

492 67-1-77. (1) It shall be unlawful for the holder of a  
493 manufacturer's or wholesaler's permit, or anyone connected with  
494 the business of such holder, or for any other distiller, wine  
495 manufacturer, brewer, rectifier, blender, or bottler, to have any

496 financial interest in any premises upon which any alcoholic  
497 beverage is sold at retail by any permittee, or in the business  
498 conducted by such permittee, except that:

499       (a) The holder of a manufacturer's or wholesaler's  
500 permit may contract for the service of a representative in the  
501 area of governmental affairs on a part-time basis with a holder of  
502 an on-premises permit.

503       (b) A distiller, wine manufacturer, brewer, rectifier,  
504 blender or bottler may have a financial interest in a premises  
505 upon which alcoholic beverages are sold at retail by a permittee,  
506 or in the business conducted by a permittee, if the permittee does  
507 not sell or serve any alcoholic beverages that are distilled,  
508 manufactured, brewed, rectified, blended or bottled by the  
509 distiller, wine manufacturer, brewer, rectifier, blender or  
510 bottler having the financial interest in the premises or in the  
511 business conducted by a permittee.

512       (2) It shall also be unlawful for any such person, or anyone  
513 connected with his, its, or their business to lend any money or  
514 make any gift or offer any gratuity, to any retail permittee,  
515 except as authorized by regulations of the commission, to the  
516 holder of any retail permit issued under the provisions of this  
517 chapter. Except as above provided, no retail permittee shall  
518 accept, receive, or make use of any money or gift furnished by any  
519 such person, or become indebted to such person except for the  
520 purchase of alcoholic beverages.

521       (3) The commission shall not prohibit the furnishing of  
522 advertising specialties, printed materials, or other things having  
523 nominal value to a retail permittee. This section shall not be  
524 construed to prohibit the possession by any person of advertising  
525 specialties, printed materials, or other things having nominal  
526 value furnished by a retail permittee.

527       (4) Any person violating the provisions of this section  
528 shall, upon conviction, be punished by a fine of not more than



529 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more  
530 than two (2) years, or by both such fine and imprisonment, in the  
531 discretion of the court.

532         **SECTION 8.** Section 8 of this act shall take effect and be in  
533 force from and after its passage. The remainder of this act shall  
534 take effect and be in force from and after July 1, 2007.