

By: Representative Read

To: Ways and Means

## HOUSE BILL NO. 1057

1 AN ACT TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE DEPARTMENT OF REVENUE TO PRESCRIBE AND CHARGE  
3 REASONABLE FEES TO DEFRAY THE COSTS ASSOCIATED WITH OPERATING AND  
4 MAINTAINING FACILITIES USED FOR THE WHOLESALE DISTRIBUTION OF  
5 ALCOHOLIC BEVERAGES; TO AMEND SECTION 27-71-29, MISSISSIPPI CODE  
6 OF 1972, TO PROVIDE THAT THE REVENUE DERIVED FROM SUCH FEES SHALL  
7 BE DEPOSITED INTO A SPECIAL FUND CREATED IN THE STATE TREASURY  
8 AND DESIGNATED THE "ABC WAREHOUSE OPERATION AND MAINTENANCE FUND";  
9 TO PROVIDE THAT MONIES IN THE SPECIAL FUND SHALL BE USED BY THE  
10 DEPARTMENT OF REVENUE FOR EXPENDITURES MADE TO MAINTAIN AND  
11 OPERATE FACILITIES USED FOR THE WHOLESALE DISTRIBUTION OF  
12 ALCOHOLIC BEVERAGES; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO  
13 ESTABLISH A PRODUCTION PAY PLAN FOR THE ALCOHOLIC BEVERAGE CONTROL  
14 DIVISION DISTRIBUTION CENTER WAREHOUSE EMPLOYEES TO PROVIDE FOR  
15 THE EFFICIENT OPERATIONS OF THE WAREHOUSE AND RELATED FACILITIES  
16 USED FOR THE DISTRIBUTION OF ALCOHOLIC BEVERAGES; AND FOR RELATED  
17 PURPOSES.

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

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

21 67-1-37. (1) The Department of Revenue, under its duties  
22 and powers with respect to the Alcoholic Beverage Control Division  
23 therein, shall have the following powers, functions and duties:

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



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

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control.

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

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



51 secure the use of proper ingredients and methods of manufacture of  
52 alcoholic beverages.

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

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

63 (g) Subject to the provisions of subsection (3) of  
64 Section 67-1-51, to issue rules and regulations governing the  
65 issuance of retail permits for premises located near or around  
66 schools, colleges, universities, churches and other public  
67 institutions, and specifying the distances therefrom within which  
68 no such permit shall be issued. The Alcoholic Beverage Control  
69 Division shall not issue a package retailer's or on-premises  
70 retailer's permit for the sale or consumption of alcoholic  
71 beverages in or on the campus of any public school, community or  
72 junior college, college or university.

73 (h) To adopt and promulgate, repeal and amend, such  
74 rules, regulations, standards, requirements and orders, not  
75 inconsistent with this chapter or any law of this state or of the



76 United States, as it deems necessary to control the manufacture,  
77 importation, transportation, distribution and sale of alcoholic  
78 liquor, whether intended for beverage or nonbeverage use in a  
79 manner not inconsistent with the provisions of this chapter or any  
80 other statute, including the native wine laws.

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

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

92 (k) To inspect, or cause to be inspected, any premises  
93 where alcoholic liquors intended for sale are manufactured,  
94 stored, distributed or sold, and to examine or cause to be  
95 examined all books and records pertaining to the business  
96 conducted therein.

97 (l) To investigate the administration of laws in  
98 relation to alcoholic liquors in this and other states and any  
99 foreign countries, and to recommend from time to time to the



Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

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

(n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this chapter as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board.

(o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49.

(p) To delegate its authority under this chapter to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate.

(q) To prescribe and charge reasonable fees to defray the costs associated with operating and maintaining facilities used for the wholesale distribution of alcoholic beverages.

(2) No alcoholic beverage shall be sold or consumed at any public athletic event at any public school, community or junior college, college or university.

**SECTION 2.** Section 27-71-29, Mississippi Code of 1972, is amended as follows:



124 27-71-29. All taxes levied by this article shall be paid to  
125 the \* \* \* Department of Revenue in cash or by personal check,  
126 cashier's check, bank exchange, post office money order or express  
127 money order and shall be deposited by the \* \* \* department in the  
128 State Treasury on the same day collected, but no remittances other  
129 than cash shall be a final discharge of liability for the tax  
130 herein imposed and levied unless and until it has been paid in  
131 cash to the \* \* \* Department of Revenue.

132 All taxes levied under Section 27-71-7(1) and received by  
133 the \* \* \* department under this article shall be paid into the  
134 General Fund, and the three percent (3%) levied under Section  
135 27-71-7(2) and received by the \* \* \* department under this article  
136 shall be paid into the special fund in the State Treasury  
137 designated as the "Alcoholism Treatment and Rehabilitation Fund"  
138 as required by law. Any funds derived from the sale of alcoholic  
139 beverages in excess of inventory requirements shall be paid not  
140 less often than annually into the General Fund, except for fees  
141 charged by the department under Section 67-1-37(1)(q) for the  
142 defraying of costs associated with operating and maintaining  
143 facilities used for the wholesale distribution of alcoholic  
144 beverages. The revenue derived from fees charged by the  
145 department under Section 67-1-37(1)(q) shall be deposited by the  
146 department into a special fund, hereby created in the State  
147 Treasury, to be designated as the "ABC Warehouse Operation and  
148 Maintenance Fund." Monies in such special fund shall be for use



by the department for any expenditure made to maintain and operate facilities used for the wholesale distribution of alcoholic beverages. Any unencumbered balance remaining in the special fund at the end of a fiscal year shall lapse into the State General Fund.

**SECTION 3.** The Commissioner of Revenue may establish a production pay plan for the Alcoholic Beverage Control Division Distribution Center warehouse employees to provide for the efficient operations of the warehouse and related facilities used for the distribution of alcoholic beverages.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2018.

