

## REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2890: Light wine and beer laws; Alcoholic Beverage Control agents may enforce.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

25       **SECTION 1.** The following provision shall be codified as  
26 Section 67-3-74, Mississippi Code of 1972:

27       67-3-74. (1) In addition to peace officers within their  
28 jurisdiction, all enforcement officers of the Alcoholic Beverage  
29 Control Division of the State Tax Commission are authorized to  
30 enforce the provisions made unlawful by Sections 67-3-13, 67-3-15,  
31 67-3-53 and 67-3-70; provided, however, that the provisions  
32 prohibiting the sale of light wine or beer to persons under the  
33 age of twenty-one (21) years shall be enforced by the division as  
34 provided for in this section.

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

40       (b) Upon receipt of such complaint or information, the  
41 Alcoholic Beverage Control Division shall notify the permit holder  
42 of the complaint by certified mail to the primary business office  
43 of such permit holder or by hand delivery of the complaint or  
44 information to the primary business office of such holder, except  
45 in cases where the complaint or information is received from any

46 law enforcement officer.

47 (c) If an enforcement officer of the Alcoholic Beverage  
48 Control Division enters the business of the holder of the permit  
49 to investigate a complaint and discovers a violation, the agent  
50 shall notify the person that committed the violation and the  
51 holder of the permit:

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

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

58 (3) The provisions of this section shall be repealed on July  
59 1, 2003.

60 **SECTION 2.** Section 67-3-29, Mississippi Code of 1972, is  
61 amended as follows:

62 67-3-29. (1) The commissioner shall revoke any permit  
63 granted by authority of this chapter to any person who shall  
64 violate any of the provisions of this chapter or the revenue laws  
65 of this state relating to engaging in transporting, storing,  
66 selling, distributing, possessing, receiving or manufacturing of  
67 wines or beers, or any person who shall hereafter be convicted of  
68 the unlawful sale of intoxicating liquor, or any person who shall  
69 allow or permit any form of illegal gambling or immorality on the  
70 premises described in such permit. The commissioner shall not  
71 revoke or suspend a permit of a retailer for the sale of light  
72 wine or beer to a person under the age of twenty-one (21) years  
73 until there has been a conviction of the permit holder or an  
74 employee of the permit holder for such violation.

75 (2) If any person exercising any privilege taxable under the  
76 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,  
77 shall willfully neglect or refuse to comply with the provisions of

78 such chapter, or any rules or regulations promulgated by the  
79 commissioner under authority of such chapter, or the provisions of  
80 this chapter, the commissioner shall be authorized to revoke the  
81 permit theretofore issued to such person, after giving to such  
82 person ten (10) days notice of the intention of the commissioner  
83 to revoke such permit. The commissioner may, however, suspend  
84 such permit instead of revoking same if, in his opinion,  
85 sufficient cause is shown for a suspension rather than revocation.  
86 Any person whose permit shall have been revoked by the  
87 commissioner shall be thereafter prohibited from exercising any  
88 privilege under the provisions of Chapter 71 of Title 27,  
89 Mississippi Code of 1972, for a period of two (2) years from the  
90 date of such revocation. The commissioner may, however, for good  
91 cause shown, grant a new permit upon such conditions as the  
92 commissioner may prescribe. Any person whose permit shall have  
93 been suspended by the commissioner shall be prohibited from  
94 exercising any privilege under the provisions of Chapter 71 of  
95 Title 27, Mississippi Code of 1972, during the period of such  
96 suspension. Failure of such person to comply with the terms of  
97 the suspension shall be cause for revocation of his permit, in  
98 addition to the other penalties provided by law.

99 (3) In addition to the reasons specified in this section and  
100 other provisions of this chapter, the commissioner shall be  
101 authorized to suspend the permit of any permit holder for being  
102 out of compliance with an order for support, as defined in Section  
103 93-11-153. The procedure for suspension of a permit for being out  
104 of compliance with an order for support, and the procedure for the  
105 reissuance or reinstatement of a permit suspended for that  
106 purpose, and the payment of any fees for the reissuance or  
107 reinstatement of a permit suspended for that purpose, shall be  
108 governed by Section 93-11-157 or Section 93-11-163, as the case  
109 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 93-11-163, as the case may  
be, shall control.

**SECTION 3.** Section 67-1-81, Mississippi Code of 1972, is  
amended as follows:

67-1-81. (1) Any permittee or other person who shall sell,  
furnish, dispose of, give, or cause to be sold, furnished,  
disposed of, or given, any alcoholic beverage to any person under  
the age of twenty-one (21) years shall be guilty of a misdemeanor  
and shall be punished by a fine of not less than Five Hundred  
Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)  
for a first offense. For a second or subsequent offense, such  
permittee or other person shall be punished by a fine of not less  
than One Thousand Dollars (\$1,000.00) nor more than Two Thousand  
Dollars (\$2,000.00), or by imprisonment for not more than one (1)  
year, or by both such fine and imprisonment in the discretion of  
the court. Upon conviction of a second offense under the  
provisions of this section the permit of any permittee so  
convicted shall be automatically and permanently revoked.

(2) Any person under the age of twenty-one (21) years who  
purchases, receives, or has in his or her possession in any public  
place, any alcoholic beverages, shall be guilty of a misdemeanor  
and shall be punished by a fine of not less than Two Hundred  
Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).  
Provided, that clearing or busing tables that have glasses or  
other containers that contain or did contain alcoholic beverages,  
or stocking, bagging or otherwise handling purchases of alcoholic  
beverages shall not be deemed possession of alcoholic beverages  
for the purposes of this section. Provided further, that a person  
who is at least eighteen (18) years of age but under the age of  
twenty-one (21) years who waits on tables by taking orders for or  
delivering orders of alcoholic beverages shall not be deemed to

142 unlawfully possess or furnish alcoholic beverages if in the scope  
143 of his employment by the holder of an on-premises retailer's  
144 permit. This exception shall not authorize a person under the age  
145 of twenty-one (21) to tend bar or act in the capacity of  
146 bartender. Any person under the age of twenty-one (21) who  
147 knowingly makes a false statement to the effect that he or she is  
148 twenty-one (21) years old or older to any person engaged in the  
149 sale of alcoholic beverages for the purpose of obtaining the same  
150 shall be guilty of a misdemeanor and shall be punished by a fine  
151 of not less than Two Hundred Dollars (\$200.00) nor more than Five  
152 Hundred Dollars (\$500.00), and a sentence to not more than thirty  
153 (30) days' community service.

154 (3) The term "community service" as used in this section  
155 shall mean work, projects or services for the benefit of the  
156 community assigned, supervised and recorded by appropriate public  
157 officials.

158 (4) If a person under the age of twenty-one (21) years is  
159 convicted or enters a plea of guilty of purchasing, receiving or  
160 having in his or her possession in any public place any alcoholic  
161 beverages in violation of subsection (2) of this section, the  
162 trial judge, in lieu of the penalties otherwise provided under  
163 subsection (2) of this section, shall suspend the minor's driver's  
164 license by taking and keeping it in the custody of the court for a  
165 period of time not to exceed ninety (90) days. The judge so  
166 ordering the suspension shall enter upon his docket "DEFENDANT'S  
167 DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_\_ DAYS IN LIEU OF CONVICTION"  
168 and such action by the trial judge shall not constitute a  
169 conviction. During the period that the minor's driver's license  
170 is suspended, the trial judge shall suspend the imposition of any  
171 finest or penalties that may be imposed under subsection (2) of  
172 this section and may place the minor on probation subject to such  
173 conditions as the judge deems appropriate. If the minor violates

any of the conditions of probation, then the trial judge shall  
return the driver's license to the minor and impose the fines,  
penalties or both, that he would have otherwise imposed, and such  
action shall constitute a conviction.

**SECTION 4.** Section 67-3-69, Mississippi Code of 1972, is amended as follows:

67-3-69. (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed herein, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court.

If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, such permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.

(2) (a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(b) Any person who shall violate any provision of Section 67-3-57 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than

206 One Thousand Dollars (\$1,000.00) or by imprisonment in the county  
207 jail for not more than one (1) year, or by both, in the discretion  
208 of the court. Any person convicted of violating any provision of  
209 the sections referred to in this subsection shall forfeit his  
210 permit, and shall not thereafter be permitted to engage in any  
211 business taxable under the provisions of Sections 27-71-301  
212 through 27-71-347.

213 (3) If the holder of a permit, or the employee of the holder  
214 of a permit, shall be convicted of selling any beer or wine to any  
215 person under the age of twenty-one (21) years from the licensed  
216 premises in violation of Section 67-3-53(b), then, in addition to  
217 any other penalty provided for by law, the holder of the permit,  
218 or employee of the holder of a permit, may be punished as follows:

219 (a) For the first offense on the licensed  
220 premises, \* \* \* by a fine of not less than Two Hundred Dollars  
221 (\$200.00) nor more than One Thousand Dollars (\$1,000.00) and/or  
222 the sale of beer or wine on the premises from which the sale  
223 occurred may be prohibited for three (3) months.

224 (b) For a second offense occurring on the licensed  
225 premises within twelve (12) months of the first offense, \* \* \* by  
226 a fine of not less than Two Hundred Dollars (\$200.00) nor more  
227 than One Thousand Five Hundred Dollars (\$1,500.00) and/or the  
228 sale of beer or wine on the premises from which the sale occurred  
229 may be prohibited for six (6) months.

230 (c) For a third or subsequent offense occurring on the  
231 licensed premises within twelve (12) months of the first, \* \* \* by  
232 a fine of not less than One Thousand Dollars (\$1,000.00) nor more  
233 than Five Thousand Dollars (\$5,000.00) and/or the sale of beer or  
234 wine on the premises from which the sale occurred may be  
235 prohibited for one (1) year.

236 (4) A person who sells any beer or wine to a person under  
237 the age of twenty-one (21) years shall not be guilty of a

238 violation of Section 67-3-53(b) if the person under the age of  
239 twenty-one (21) years represents himself to be twenty-one (21)  
240 years of age or older by displaying an apparently valid  
241 Mississippi driver's license containing a physical description  
242 consistent with his appearance or by displaying some other  
243 apparently valid identification document containing a picture and  
244 physical description consistent with his appearance for the  
245 purpose of inducing the person to sell beer or wine to him.

246 (5) If the holder of a permit to operate a brewpub is  
247 convicted of violating the provisions of Section 67-3-22(3), then,  
248 in addition to any other provision provided for by law, the holder  
249 of the permit shall be punished as follows:

250 (a) For the first offense, the holder of a permit to  
251 operate a brewpub may be fined in an amount not to exceed Five  
252 Hundred Dollars (\$500.00).

253 (b) For a second offense occurring within twelve (12)  
254 months of the first offense, the holder of a permit to operate a  
255 brewpub may be fined an amount not to exceed One Thousand Dollars  
256 (\$1,000.00).

257 (c) For a third or subsequent offense occurring within  
258 twelve (12) months of the first offense, the holder of a permit to  
259 operate a brewpub may be fined an amount not to exceed Five  
260 Thousand Dollars (\$5,000.00) and the permit to operate a brewpub  
261 shall be suspended for thirty (30) days.

262 **SECTION 5.** Section 67-3-70, Mississippi Code of 1972, is  
263 amended as follows:

264 67-3-70. (1) Except as otherwise provided by Section  
265 67-3-54, any person under the age of twenty-one (21) years who  
266 purchases or possesses any light wine or beer shall be guilty of a  
267 misdemeanor, and upon conviction shall be punished by a fine of  
268 not less than Two Hundred Dollars (\$200.00) nor more than Five  
269 Hundred Dollars (\$500.00) and a sentence to not more than thirty



270 (30) days' community service.

271 (2) Any person under the age of twenty-one (21) years who  
272 falsely states he is twenty-one (21) years of age or older or  
273 presents any document that indicates he is twenty-one (21) years  
274 of age or older for the purpose of purchasing or possessing any  
275 light wine or beer shall be guilty of a misdemeanor, and upon  
276 conviction shall be punished by a fine of not less than Two  
277 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars  
278 (\$500.00) and \* \* \* a sentence to not more than thirty (30) days  
279 community service.

280 (3) Except as otherwise provided by Section 67-3-54, any  
281 person who knowingly purchases light wine or beer for, or gives or  
282 makes available light wine or beer to a person under the age of  
283 twenty-one (21) years, shall be guilty of a misdemeanor and upon  
284 conviction shall be punished by a fine of not less than Two  
285 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars  
286 (\$500.00) and \* \* \* a sentence to not more than thirty (30) days  
287 community service.

288 (4) The term "community service" as used in this section  
289 shall mean work, projects or services for the benefit of the  
290 community assigned, supervised and recorded by appropriate public  
291 officials.

292 (5) If a person under the age of twenty-one (21) years is  
293 convicted or enters a plea of guilty of violating subsection (1)  
294 or subsection (2) of this section, the trial judge, in lieu of the  
295 penalties otherwise provided under this section, shall suspend the  
296 minor's driver's license by taking and keeping it in the custody  
297 of the court for a period of time not to exceed ninety (90) days.  
298 The judge so ordering the suspension shall enter upon his docket  
299 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_\_ DAYS IN LIEU OF  
300 CONVICTION" and such action by the trial judge shall not  
301 constitute a conviction. During the period that the minor's

driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction.

(6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order.

**SECTION 6.** Section 67-1-37, Mississippi Code of 1972, is amended as follows:

**[Until July 1, 2003, this section will read as follows:]**

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

(a) To issue or refuse to issue any permit provided for 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 commission issued hereunder, or for

334 other sufficient cause, any permit issued by it under the  
335 provisions of this chapter; however, no such permit shall be  
336 revoked, suspended or cancelled except after a hearing of which  
337 the permit holder shall have been given reasonable notice and an  
338 opportunity to be heard. The board shall be authorized to suspend  
339 the permit of any permit holder for being out of compliance with  
340 an order for support, as defined in Section 93-11-153. The  
341 procedure for suspension of a permit for being out of compliance  
342 with an order for support, and the procedure for the reissuance or  
343 reinstatement of a permit suspended for that purpose, and the  
344 payment of any fees for the reissuance or reinstatement of a  
345 permit suspended for that purpose, shall be governed by Section  
346 93-11-157 or Section 93-11-163, as the case may be. If there is  
347 any conflict between any provision of Section 93-11-157 or Section  
348 93-11-163 and any provision of this chapter, the provisions of  
349 Section 93-11-157 or Section 93-11-163, as the case may be, shall  
350 control.

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

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

358 (e) To issue rules regulating the advertising of  
359 alcoholic beverages in the state in any class of media and  
360 permitting advertising of the retail price of alcoholic beverages.

361 (f) To issue reasonable rules and regulations, not  
362 inconsistent with the federal laws or regulations, requiring  
363 informative labeling of all alcoholic beverages offered for sale  
364 within this state and providing for the standards of fill and  
365 shapes of retail containers of alcoholic beverages; however, such

containers shall not contain less than fifty (50) milliliters by liquid measure.

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

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

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

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

(k) To inspect, or cause to be inspected, any premises

398 where alcoholic liquors intended for sale are manufactured,  
399 stored, distributed or sold, and to examine or cause to be  
400 examined all books and records pertaining to the business  
401 conducted therein.

402           (1) In the conduct of any hearing authorized to be held  
403 by the commission, to hear testimony and take proof material for  
404 its information in the discharge of its duties under this chapter;  
405 to issue subpoenas, which shall be effective in any part of this  
406 state, requiring the attendance of witnesses and the production of  
407 books and records; to administer or cause to be administered  
408 oaths; and to examine or cause to be examined any witness under  
409 oath. Any court of record, or any judge thereof, may by order  
410 duly entered require the attendance of witnesses and the  
411 production of relevant books subpoenaed by the commission, and  
412 such court or judge may compel obedience to its or his order by  
413 proceedings for contempt.

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

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

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

430 defense.

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

434 (q) To adopt and promulgate rules and regulations for  
435 suspension or revocation of identification cards of employees of  
436 permittees for violations of the alcoholic beverage control laws,  
437 rules or regulations.

438 (r) To enforce the provisions made unlawful by Sections  
439 67-3-13, 67-3-15, 67-3-53 and 67-3-70.

440 [From and after July 1, 2003, this section will read as  
441 follows:]

442 67-1-37. The State Tax Commission, under its duties and  
443 powers with respect to the Alcoholic Beverage Control Division  
444 therein, shall have the following powers, functions and duties:

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

449 (b) To revoke, suspend or cancel, for violation of or  
450 noncompliance with the provisions of this chapter, or the law  
451 governing the production and sale of native wines, or any lawful  
452 rules and regulations of the commission issued hereunder, or for  
453 other sufficient cause, any permit issued by it under the  
454 provisions of this chapter; however, no such permit shall be  
455 revoked, suspended or cancelled except after a hearing of which  
456 the permit holder shall have been given reasonable notice and an  
457 opportunity to be heard. The board shall be authorized to suspend  
458 the permit of any permit holder for being out of compliance with  
459 an order for support, as defined in Section 93-11-153. The  
460 procedure for suspension of a permit for being out of compliance  
461 with an order for support, and the procedure for the reissuance or

462 reinstatement of a permit suspended for that purpose, and the  
463 payment of any fees for the reissuance or reinstatement of a  
464 permit suspended for that purpose, shall be governed by Section  
465 93-11-157 or 93-11-163, as the case may be. If there is any  
466 conflict between any provision of Section 93-11-157 or 93-11-163  
467 and any provision of this chapter, the provisions of Section  
468 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

476 (e) To issue rules regulating the advertising of  
477 alcoholic beverages in the state in any class of media and  
478 permitting advertising of the retail price of alcoholic beverages.

479 (f) To issue reasonable rules and regulations, not  
480 inconsistent with the federal laws or regulations, requiring  
481 informative labeling of all alcoholic beverages offered for sale  
482 within this state and providing for the standards of fill and  
483 shapes of retail containers of alcoholic beverages; however, such  
484 containers shall not contain less than fifty (50) milliliters by  
485 liquid measure.

486 (g) Subject to the provisions of subsection (3) of  
487 Section 67-1-51, to issue rules and regulations governing the  
488 issuance of retail permits for premises located near or around  
489 schools, colleges, universities, churches and other public  
490 institutions, and specifying the distances therefrom within which  
491 no such permit shall be issued. The alcoholic beverage control  
492 division shall not allow the sale or consumption of alcoholic  
493 beverages in or on the campus of any public school or college, and

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

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

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

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

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

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



526 oaths; and to examine or cause to be examined any witness under  
527 oath. Any court of record, or any judge thereof, may by order  
528 duly entered require the attendance of witnesses and the  
529 production of relevant books subpoenaed by the commission, and  
530 such court or judge may compel obedience to its or his order by  
531 proceedings for contempt.

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

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

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

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

552 (q) To adopt and promulgate rules and regulations for  
553 suspension or revocation of identification cards of employees of  
554 permittees for violations of the alcoholic beverage control laws,  
555 rules or regulations.

556 **SECTION 7.** Section 67-3-31, Mississippi Code of 1972, is  
557 amended as follows:

558        [Until July 1, 2003, this section will read as follows:]

559        67-3-31. Proceedings for the revocation or suspension of any  
560 permit authorizing the sale of beer or wine at retail for a  
561 violation of any of the provisions of Section 67-3-53 may be  
562 brought in the circuit or county court of the county in which the  
563 licensed premises are located. Such proceedings shall be entitled  
564 in the name of the state and against the permittee and shall be  
565 instituted by filing a complaint with the clerk of the court. The  
566 complaint may be filed by the county prosecuting attorney of the  
567 county upon his own initiative or, then by the district attorney  
568 of the district in which the county is located, and it shall be  
569 mandatory upon the county prosecuting attorney, or district  
570 attorney as the case may be, to file a complaint when requested to  
571 do so by a peace officer or any person as hereinafter provided.  
572 Any peace officer within his jurisdiction or any enforcement  
573 officer of the Alcoholic Beverage Control Division within the  
574 State Tax Commission who learns that a retail permittee within his  
575 jurisdiction has violated any of the provisions of such section  
576 shall file with the county prosecuting attorney of the county in  
577 which the licensed premises are located, or, then with the  
578 district attorney of the district in which such county is located,  
579 an affidavit specifying in detail the facts alleged to constitute  
580 such violation, and requesting that a complaint be filed against  
581 the permittee for the revocation or suspension of his permit. A  
582 like affidavit may be filed with the county prosecuting attorney,  
583 or district attorney as the case may be, by any person who  
584 resides, and has for at least one (1) year prior thereto resided  
585 within the county in which the licensed premises are located  
586 requesting that a complaint be filed for the revocation or  
587 suspension of the permittee's permit. Promptly upon receiving any  
588 such affidavit the county prosecuting attorney, or district  
589 attorney, shall prepare a proper complaint, which shall be signed

and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court.

**[From and after July 1, 2003, this section will read as follows:]**

67-3-31. Proceedings for the revocation or suspension of any permit authorizing the sale of beer or wine at retail for a violation of any of the provisions of Section 67-3-53 may be brought in the circuit or county court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the state and against the permittee and shall be instituted by filing a complaint with the clerk of the court. The complaint may be filed by the county prosecuting attorney of the county upon his own initiative or, then by the district attorney of the district in which the county is located, and it shall be mandatory upon the county prosecuting attorney, or district attorney as the case may be, to file a complaint when requested to do so by a peace officer or any person as hereinafter provided. Any peace officer who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney as the case may be, by any person who resides, and has for at least one (1) year prior thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or

suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court.

**SECTION 8.** Section 67-3-37, Mississippi Code of 1972, is amended as follows:

**[Until July 1, 2003, this section will read as follows:]**

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

It shall be the duty of all peace officers \* \* \*, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division of the State Tax Commission to enforce the provisions of Section 67-3-53 and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee.

**[From and after July 1, 2003, this section will read as follows:]**

67-3-37. It shall be the duty of the county prosecuting

654 attorney or the district attorney, as the case may be, to file  
655 complaints as provided in Section 67-3-31 and to prosecute  
656 diligently and without delay all complaints filed by him.

657       It shall be the duty of all peace officers to enforce, within  
658 their jurisdiction, the provisions of Section 67-3-53 and they  
659 shall frequently visit all licensed premises within their  
660 jurisdiction to determine whether such permittees are complying  
661 with the laws. They shall promptly investigate all complaints  
662 made to them by any citizen relative to any alleged violations of  
663 such section within their jurisdiction. When any peace officer  
664 has knowledge of a violation of such section committed by a  
665 permittee within his jurisdiction, it shall be his duty forthwith  
666 to file an affidavit with the county prosecuting attorney or  
667 district attorney requesting that a complaint be filed for the  
668 revocation or suspension of the permit of the permittee.

669       **SECTION 9.** This act shall take effect and be in force from  
670 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
2 67-3-74, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ENFORCEMENT  
3 OFFICERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE STATE  
4 TAX COMMISSION TO ASSIST IN THE ENFORCEMENT OF CERTAIN PROVISIONS  
5 OF THE LAW REGULATING LIGHT WINE AND BEER; TO AMEND SECTION  
6 67-3-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE TAX  
7 COMMISSION MAY REVOKE OR SUSPEND A PERMIT OF A RETAILER FOR THE  
8 SALE OF LIGHT WINE OR BEER TO A PERSON UNDER THE AGE OF 21 ONLY  
9 UNTIL THERE HAS BEEN A CONVICTION OF THE PERMIT HOLDER OR AN  
10 EMPLOYEE OF THE PERMIT HOLDER FOR SUCH SALE; TO AMEND SECTIONS  
11 67-1-81, 67-3-69 AND 67-3-70, MISSISSIPPI CODE OF 1972, TO PROVIDE  
12 THAT A TRIAL JUDGE SHALL SUSPEND THE DRIVER'S LICENSE OF A MINOR  
13 WHO UNLAWFULLY POSSESSES OR PURCHASES ALCOHOLIC BEVERAGES, BEER OR  
14 LIGHT WINE IN LIEU OF CONVICTION FOR SUCH OFFENSES; TO PROVIDE  
15 THAT THE JUDGE MAY PLACE THE MINOR ON PROBATION DURING THE PERIOD  
16 OF THE DRIVER'S LICENSE SUSPENSION, SUBJECT SUCH CONDITIONS AS THE  
17 JUDGE DEEMS APPROPRIATE; TO INCREASE THE PENALTY FOR POSSESSION OF  
18 ALCOHOLIC BEVERAGES, LIGHT WINE OR BEER; TO INCREASE THE PENALTY  
19 FOR UNLAWFUL SALE OF LIGHT WINE OR BEER; TO AMEND SECTIONS  
20 67-1-37, 67-3-31 AND 67-3-37, MISSISSIPPI CODE OF 1972, IN  
21 CONFORMITY THERETO; TO PROVIDE THAT THE ENFORCEMENT AUTHORITY  
22 GRANTED TO OFFICERS OF THE DIVISION SHALL BE REPEALED ON JULY 1,  
23 2002; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

**X**\_\_\_\_\_  
William R. Minor

**X**\_\_\_\_\_  
Robert P. Chamberlin

**X**\_\_\_\_\_  
Thomas E. Robertson

CONFEREES FOR THE HOUSE

**X**\_\_\_\_\_  
James C. Simpson, Jr.

**X**\_\_\_\_\_  
Willie Bailey

**X**\_\_\_\_\_  
Mark Formby