MISSISSIPPI LEGISLATURE REGULAR SESSION 2017

By: Representatives Lamar, Burnett, Jackson, Faulkner, Karriem

To: Ways and Means

HOUSE BILL NO. 1321

AN ACT TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY CITY IN THIS STATE HAVING A POPULATION OF NOT LESS THAN 1,500 ACCORDING TO THE LATEST FEDERAL CENSUS AND LOCATED WITHIN THREE MILES OF A CITY OR COUNTY THAT PERMITS THE SALE, RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE OF BEER OR LIGHT WINE, TO HOLD AN ELECTION FOR THE PURPOSE OF DETERMINING WHETHER THE SALE AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE OF BEER AND LIGHT WINE SHALL BE PERMITTED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-3-9, Mississippi Code of 1972, is amended as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal census *** * ***<u>; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer or light wine;</u> at an election held for the purpose, under the election laws applicable to such city, may either prohibit or

permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city council or mayor and board of aldermen or other governing body of such city for such city only, upon the presentation of a petition for such city to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified electors of such city in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by

weight and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his ticket the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine and beer in such city. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine and beer in such city.

All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary.

SECTION 2. This act shall take effect and be in force from and after its passage.

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ST: Beer and light wine; allow certain cities with a population of 1,500 or more to hold elections to permit the sale of.