

By: Ross, Kirby

To: Finance

SENATE BILL NO. 3078

1 AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A CERTAIN MUNICIPALITY LOCATED IN A COUNTY WHICH HAS
3 VOTED AGAINST COMING OUT FROM UNDER THE DRY TO HOLD AND ELECTION
4 TO VOTE TO COME OUT FROM UNDER THE DRY LAW; TO RESTRICT THE SALE
5 OF ALCOHOLIC BEVERAGES IN SUCH MUNICIPALITY TO HOTELS AND
6 RESTAURANTS; TO AUTHORIZE SUCH MUNICIPALITY TO REGULATE THE TYPES
7 OF ESTABLISHMENTS THAT QUALIFY AS A HOTEL OR A RESTAURANT; AND FOR
8 RELATED PURPOSES.

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

10 SECTION 1. Section 67-1-14, Mississippi Code of 1972, is
11 amended as follows:[WAN1]

12 67-1-14. (1) The legalizing provisions of this chapter may
13 be effective, applicable and operative in any municipality located
14 in a county which has voted against coming out from under the dry
15 law if a local option election shall be called and held in such
16 municipality in the manner and with the results hereinafter
17 provided.

18 (2) (a) Any municipality in this state (i) having a
19 population of not less than six thousand (6,000) according to the
20 latest federal census, all or any portion of which is located
21 within five (5) miles of the Tennessee-Tombigbee Waterway, or
22 (ii) having a population of less than two thousand five hundred
23 (2,500) according to the latest federal decennial census, all or
24 any portion of which is located within one (1) mile of the Jackson
25 International Airport, and which is located in a county which has
26 voted against coming out from under the dry law, may, at an
27 election held for the purpose under the election laws applicable
28 to such municipality, either prohibit or permit, except as
29 otherwise provided under Section 67-9-1, the sale, and the

30 receipt, storage and transportation for the purpose of sale, of
31 alcoholic beverages. An election to determine whether such sale
32 and possession shall be permitted in municipalities wherein its
33 sale and possession is prohibited by law shall be ordered by the
34 municipal governing authorities upon the presentation of a
35 petition to such governing authorities containing the names of at
36 least twenty percent (20%) of the duly qualified voters of such
37 municipality asking for such election. In like manner, an
38 election to determine whether such sale and possession shall be
39 prohibited in municipalities wherein its sale is permitted by law
40 shall be ordered by the municipal governing authorities upon the
41 presentation of a petition to such governing authorities
42 containing the names of at least twenty percent (20%) of the duly
43 qualified voters of such municipality asking for such election.
44 No election on either question shall be held by any one (1)
45 municipality more often than once in two (2) years.

46 Thirty (30) days' notice shall be given to the qualified
47 electors of such municipality, in the manner prescribed by law,
48 upon the question of either permitting or prohibiting such sale
49 and possession, such notice to contain a statement of the question
50 to be voted on at the election. The ballots to be used in the
51 election shall have the following words printed thereon: "For the
52 legal sale of alcoholic liquors," and the words "Against the legal
53 sale of alcoholic liquors" next below. In marking his ballot the
54 voter shall make a cross (X) opposite the words of his choice.

55 If in the election a majority of the qualified electors
56 voting in the election shall vote "for the legal sale of alcoholic
57 liquors," then the municipal governing authorities shall pass the
58 necessary order permitting the legal sale of such alcoholic
59 beverages in such municipality. If in the election a majority of
60 the qualified electors voting in the election shall vote "against
61 the legal sale of alcoholic liquors," then the municipal governing
62 authorities shall pass the necessary order prohibiting the sale of
63 alcoholic beverages in such municipality.

64 (b) The provisions of this subsection shall also apply
65 to any municipality having a population of not less than six
66 thousand (6,000) according to the latest federal census, a portion

67 of which is located in a county which has voted against coming out
68 from under the dry law and a portion of which is located in a
69 county which has voted in favor of coming out from under the dry
70 law. For the purpose of determining whether or not such a
71 municipality meets the threshold population of six thousand
72 (6,000) which will qualify the municipality to hold an election
73 under this subsection, the entire population of the municipality
74 shall be considered; however, the petition to hold the election
75 authorized in this subsection shall be ordered by the municipal
76 governing authorities upon the presentation of a petition to such
77 governing authorities containing the names of at least twenty
78 percent (20%) of the duly qualified voters of such municipality
79 who reside in that portion of the municipality located in a county
80 which has voted against coming out from under the dry law and the
81 election shall be held only in that portion of the municipality.
82 In all other respects, the authority for the holding of elections
83 and the manner in which such elections shall be conducted shall be
84 as prescribed in paragraph (a) of this subsection; and, after
85 proper certification of election results, the municipal governing
86 authorities shall pass the appropriate order to permit or prohibit
87 the legal sale of alcoholic beverages in that portion of the
88 municipality located in a county which has voted against coming
89 out from under the dry law.

90 (c) If a municipality in this state having a population
91 of less than two thousand five hundred (2,500) according to the
92 latest federal decennial census, all or any portion of which is
93 located within one (1) mile of the Jackson International Airport,
94 votes to come out from under the dry law, the sale of alcoholic
95 beverages shall be limited to restaurants and hotels. The
96 governing authorities of such municipality shall have the
97 authority to adopt ordinances regulating the types of
98 establishments that qualify as a hotel or a restaurant.

99 SECTION 2. This act shall take effect and be in force from

100 and after July 1, 2000.