

By: Representative Simpson

To: Ways and Means

HOUSE BILL NO. 1265

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" FOR
3 PURPOSES OF THE STATE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW,
4 TO INCLUDE CERTAIN ADJOINING COMMUNITIES OR SIMILAR ADJOINING
5 DEVELOPMENTS OF REAL ESTATE CONSISTING OF A CERTAIN MINIMUM NUMBER
6 OF AGGREGATE ACRES AND RESIDENTIAL UNITS AND HAVING CERTAIN
7 RECREATIONAL OR ENTERTAINMENT FACILITIES; TO PROVIDE THAT THE TERM
8 ALSO INCLUDES A DEVELOPMENT THAT HAS QUALIFIED AS A PROJECT UNDER
9 SECTIONS 57-30-1 AND 57-30-3, MISSISSIPPI CODE OF 1972; TO PROVIDE
10 THAT THE STATUS OF SUCH QUALIFIED RESORT AREAS MUST BE APPROVED BY
11 THE STATE TAX COMMISSION IN ORDER TO BE EFFECTIVE; TO AMEND
12 SECTIONS 67-1-7, 67-1-11, 67-1-13 AND 67-1-14, MISSISSIPPI CODE OF
13 1972, TO PERMIT CERTAIN ON-PREMISES SALES OF ALCOHOLIC BEVERAGES
14 AT SUCH QUALIFIED RESORT AREAS IN COUNTIES AND MUNICIPALITIES
15 WHERE THE SALE OF ALCOHOLIC BEVERAGES IS OTHERWISE PROHIBITED; TO
16 AMEND SECTIONS 67-3-7, 67-3-9 AND 67-3-13, MISSISSIPPI CODE OF
17 1972, TO AUTHORIZE THE SALE OF LIGHT WINE AND BEER AT SUCH
18 QUALIFIED RESORT AREAS IN COUNTIES AND MUNICIPALITIES WHERE THE
19 SALE OF ALCOHOLIC BEVERAGES IS OTHERWISE PROHIBITED; AND FOR
20 RELATED PURPOSES.

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

22 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
23 amended as follows:

24 67-1-5. For the purposes of this chapter and unless
25 otherwise required by the context:

26 (a) The words "alcoholic beverage" mean any alcoholic
27 liquid, including wines of more than five percent (5%) of alcohol
28 by weight, capable of being consumed as a beverage by a human
29 being, but shall not include wine containing five percent (5%) or
30 less of alcohol by weight and shall not include beer containing
31 not more than five percent (5%) of alcohol by weight, as provided
32 for in Section 67-3-5, Mississippi Code of 1972, but shall include
33 native wines. The words "alcoholic beverage" shall not include
34 ethyl alcohol manufactured or distilled solely for fuel purposes.

35 (b) The word "alcohol" means the product of
36 distillation of any fermented liquid, whatever the origin thereof,



and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) The words "distilled spirits" mean any beverage containing more than four percent (4%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) The words "wine" or "vinous liquor" mean any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries and made in accordance with the revenue laws of the United States.

(e) The word "person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) The word "manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) The word "wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) The word "retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) The word "commission" means the State Tax Commission of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission hereafter means the powers and duties of the State Tax Commission with reference to supervision of the Alcoholic Beverage Control Division.

(j) The word "division" means the Alcoholic Beverage Control Division of the State Tax Commission.



69 (k) The word "municipality" means any incorporated city
70 or town of this state.

71 (l) The word "hotel" means an establishment within a
72 municipality, or within a qualified resort area approved as such
73 by the commission, where, in consideration of payment, food and
74 lodging are habitually furnished to travelers and wherein are
75 located at least twenty (20) adequately furnished and completely
76 separate sleeping rooms with adequate facilities that persons
77 usually apply for and receive as overnight accommodations. Hotels
78 in towns or cities of more than twenty-five thousand (25,000)
79 population are similarly defined except that they must have fifty
80 (50) or more sleeping rooms. Any such establishment described in
81 this paragraph with less than fifty (50) beds shall operate one or
82 more regular dining rooms designed to be constantly frequented by
83 customers each day. When used in this chapter, the word "hotel"
84 shall also be construed to include any establishment that meets
85 the definition of "bed and breakfast inn" as provided in this
86 section.

87 (m) The word "restaurant" means a place which is
88 regularly and in a bona fide manner used and kept open for the
89 serving of meals to guests for compensation, which has suitable
90 seating facilities for guests, and which has suitable kitchen
91 facilities connected therewith for cooking an assortment of foods
92 and meals commonly ordered at various hours of the day; the
93 service of such food as sandwiches and salads only shall not be
94 deemed in compliance with this requirement. No place shall
95 qualify as a restaurant under this chapter unless twenty-five
96 percent (25%) or more of the revenue derived from such place shall
97 be from the preparation, cooking and serving of meals and not from
98 the sale of beverages, or unless the value of food given to and
99 consumed by customers is equal to twenty-five percent (25%) or
100 more of total revenue.



(n) The word "club" means an association or a corporation:

(1) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(2) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(3) Maintained by its members through the payment of annual dues;

(4) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(5) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(6) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The commission may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the commission, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the commission at the time of the application a copy of its articles of association, charter of incorporation,



134 bylaws or other instruments governing the business and affairs
135 thereof.

136 (o) The term "qualified resort area" means any area or
137 locality outside of the limits of incorporated municipalities in
138 this state commonly known and accepted as a place which regularly
139 and customarily attracts tourists, vacationists and other
140 transients because of its historical, scenic or recreational
141 facilities or attractions, or because of other attributes which
142 regularly and customarily appeal to and attract tourists,
143 vacationists and other transients in substantial numbers; however,
144 no area or locality shall so qualify as a resort area until it has
145 been duly and properly approved as such by the commission.

146 (i) The commission may approve an area or locality
147 outside of the limits of an incorporated municipality that is in
148 the process of being developed as a qualified resort area if such
149 area or locality, when developed, can reasonably be expected to
150 meet the requisites of the definition of the term "qualified
151 resort area." In such a case, the status of qualified resort area
152 shall not take effect until completion of the development.

153 (ii) The term includes any state park which is
154 declared a resort area by the commission; however, such
155 declaration may only be initiated in a written request for resort
156 area status made to the commission by the Executive Director of
157 the Department of Wildlife, Fisheries and Parks, and no permit for
158 the sale of any alcoholic beverage, as defined in this chapter,
159 except an on-premises retailer's permit, shall be issued for a
160 hotel, restaurant or bed and breakfast inn in such park.

161 (iii) The term includes the clubhouses associated
162 with the state park golf courses at the Lefleur's Bluff State
163 Park, the John Kyle State Park, the Percy Quin State Park and the
164 Hugh White State Park. The status of these clubhouses as
165 qualified resort areas does not require any declaration of same by
166 the commission.



167 (iv) The term includes adjoining communities,
168 adjoining subdivisions or similar adjoining developments of real
169 estate with monitored entrances and exits and consisting of at
170 least one thousand (1,000) acres in the aggregate, at least four
171 hundred (400) residential units in the aggregate, and at least one
172 (1) adjoining recreational or entertainment facility such as a
173 golf course with a clubhouse, a marina or a convention center or
174 similar facility. An on-premises retailer's permit for the sale
175 of alcoholic beverages may be issued for a restaurant, golf course
176 clubhouse and/or other clubhouse of any kind in such a qualified
177 resort area. The status of such a qualified resort area must be
178 approved by the commission in order to be effective.

179 (v) The term includes a development that has
180 qualified as a project under Section 57-30-1 et seq. An
181 on-premises permit for the sale of alcoholic beverages may be
182 issued for a hotel or restaurant, or both, in such a qualified
183 resort area. The status of such a qualified resort area must be
184 approved by the commission in order to be effective.

185 (p) The words "native wine" shall mean any product,
186 produced in Mississippi for sale, having an alcohol content not to
187 exceed twenty-one percent (21%) by weight and made in accordance
188 with revenue laws of the United States, which shall be obtained
189 primarily from the alcoholic fermentation of the juice of ripe
190 grapes, fruits, berries or vegetables grown and produced in
191 Mississippi; provided that bulk, concentrated or fortified wines
192 used for blending may be produced without this state and used in
193 producing native wines. The commission shall adopt and promulgate
194 rules and regulations to permit a producer to import such bulk
195 and/or fortified wines into this state for use in blending with
196 native wines without payment of any excise tax that would
197 otherwise accrue thereon.



(q) The words "native winery" shall mean any place or establishment within the State of Mississippi where native wine is produced in whole or in part for sale.

(r) The words "bed and breakfast inn" mean an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

SECTION 2. Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, possession and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. The manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in (a) incorporated municipalities located within such counties, (b)



231 qualified resort areas within such counties approved as such by
232 the State Tax Commission, or (c) clubs within such counties,
233 whether within a municipality or not. The manufacture, sale,
234 distribution and possession of native wines shall be lawful in any
235 location within any such county except those locations where the
236 manufacture, sale or distribution is prohibited by law other than
237 this section or by regulations of the commission.

238 (2) (a) Notwithstanding the foregoing, within any state
239 park or any state park facility which has been declared a
240 qualified resort area by the commission and any clubhouse that is
241 a qualified resort area under Section 67-1-5(o)(iii), an
242 on-premises retailer's permittee may lawfully sell alcoholic
243 beverages for consumption on his licensed premises regardless of
244 whether or not the county or municipality in which the park is
245 located has voted in favor of coming out from under the dry law.

246 (b) Notwithstanding the foregoing, within any qualified
247 resort area defined in Section 67-1-5(o)(iv) or (v), an
248 on-premises retailer's permittee may lawfully sell alcoholic
249 beverages for consumption on his licensed premises regardless of
250 whether or not the county or municipality in which the qualified
251 resort area is located has voted in favor of coming out from under
252 the dry law.

253 **SECTION 3.** Section 67-1-11, Mississippi Code of 1972, is
254 amended as follows:

255 67-1-11. (1) Notwithstanding any provision of this chapter,
256 the legalizing provisions of this chapter, except as authorized
257 under Section 67-1-7(2) and Section 67-9-1, shall not be
258 effective, applicable or operative in any county unless and until
259 a local option election shall be called and held in such county in
260 the manner and with the results hereinafter provided.

261 (2) Upon presentation and filing of a proper petition
262 requesting same signed by at least twenty percent (20%) or fifteen
263 hundred (1,500), whichever number is the lesser, of the qualified



264 electors of the county, it shall be the duty of the board of
265 supervisors to call an election at which there shall be submitted
266 to the qualified electors of the county the question of whether or
267 not the sale, distribution and possession of alcoholic liquors
268 shall be permitted in such county as provided in this chapter.
269 Such election shall be held and conducted by the county election
270 commissioners on a date fixed by the order of the board of
271 supervisors, which date shall not be more than sixty (60) days
272 from the date of the filing of said petition. Notice thereof
273 shall be given by publishing such notice once each week for at
274 least three (3) consecutive weeks in some newspaper published in
275 said county or, if no newspaper be published therein, by such
276 publication in a newspaper in an adjoining county and having a
277 general circulation in the county involved. The election shall be
278 held not earlier than fifteen (15) days from the first publication
279 of such notice.

280 (3) Said election shall be held and conducted as far as may
281 be possible in the same manner as is provided by law for the
282 holding of general elections. The ballots used thereat shall
283 contain a brief statement of the proposition submitted and, on
284 separate lines, the words "I vote FOR coming out from under the
285 dry law in _____ County ()" "I vote AGAINST coming out from
286 under the dry law in _____ County ()" with appropriate boxes
287 in which the voters may express their choice. All qualified
288 electors may vote by marking the ballot with a cross (x) or check
289 (✓) mark opposite the words of their choice.

290 (4) The election commissioners shall canvass and determine
291 the results of said election, and shall certify same to the board
292 of supervisors which shall adopt and spread upon its minutes an
293 order declaring such results. If, in such election, a majority of
294 the qualified electors participating therein shall vote in favor
295 of the proposition, this chapter shall become applicable and
296 operative in such county and the manufacture, sale, distribution



and possession of alcoholic beverages therein shall be lawful to the extent and in the manner permitted hereby. If, on the other hand, a majority of the qualified electors participating in the election shall vote against the proposition, this chapter, except for Section 67-1-7(2) and Section 67-9-1, shall not become effective and operative in such county and, except as otherwise provided under Section 67-1-7(2) and Section 67-9-1, all laws prohibiting and regulating the manufacture, sale, distribution and possession of intoxicating liquor shall remain in full force and effect and be administered and vigorously prosecuted therein. In either case, no further election shall be held in said county under the provisions of this chapter for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein.

SECTION 4. Section 67-1-13, Mississippi Code of 1972, is amended as follows:

67-1-13. (1) When this chapter has been made effective and operative in any county as a result of an election called and held as provided in Section 67-1-11, the same may be made ineffective and inapplicable therein by an election called and held upon a petition filed with the board of supervisors requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided in Section 67-1-11, all of the provisions of which shall be fully applicable thereto. However, nothing herein shall authorize or permit the calling and holding of any election under this chapter in any county more often than once every two (2) years. If in such election, a majority of the qualified electors participating therein shall vote against the legalized sale of intoxicating liquor, then the prohibition laws



of the State of Mississippi, except as otherwise provided under Section 67-1-7(2) and Section 67-9-1, shall become applicable in said county.

(2) Notwithstanding an election reinstating the prohibition laws in a political subdivision, the holder of a native wine producer's permit or a native wine retailer's permit is allowed to continue to operate under such permits and to renew such permits. Possession of native wines and personal property related to the activities of the native wine permit holder which would otherwise be unlawful under prohibition shall be allowed subject to regulations of the Alcoholic Beverage Control Division.

SECTION 5. Section 67-1-14, Mississippi Code of 1972, is amended as follows:

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

(2) (a) Any municipality in this state having a population of not less than six thousand (6,000) according to the latest federal census, all or any portion of which is located within five (5) miles of the Tennessee-Tombigbee Waterway and which is located in a county which has voted against coming out from under the dry law, may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section 67-1-7(2) and Section 67-9-1, the sale, and the receipt, storage and transportation for the purpose of sale, of alcoholic beverages. An election to determine whether such sale and possession shall be permitted in municipalities wherein its sale and possession is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities



363 containing the names of at least twenty percent (20%) of the duly
364 qualified voters of such municipality asking for such election.
365 In like manner, an election to determine whether such sale and
366 possession shall be prohibited in municipalities wherein its sale
367 is permitted by law shall be ordered by the municipal governing
368 authorities upon the presentation of a petition to such governing
369 authorities containing the names of at least twenty percent (20%)
370 of the duly qualified voters of such municipality asking for such
371 election. No election on either question shall be held by any one
372 (1) municipality more often than once in two (2) years.

373 Thirty (30) days' notice shall be given to the qualified
374 electors of such municipality, in the manner prescribed by law,
375 upon the question of either permitting or prohibiting such sale
376 and possession, such notice to contain a statement of the question
377 to be voted on at the election. The ballots to be used in the
378 election shall have the following words printed thereon: "For the
379 legal sale of alcoholic liquors," and the words "Against the legal
380 sale of alcoholic liquors" next below. In marking his ballot the
381 voter shall make a cross (X) opposite the words of his choice.

382 If in the election a majority of the qualified electors
383 voting in the election shall vote "for the legal sale of alcoholic
384 liquors," then the municipal governing authorities shall pass the
385 necessary order permitting the legal sale of such alcoholic
386 beverages in such municipality. If in the election a majority of
387 the qualified electors voting in the election shall vote "against
388 the legal sale of alcoholic liquors," then the municipal governing
389 authorities shall pass the necessary order prohibiting the sale of
390 alcoholic beverages in such municipality.

391 (b) The provisions of this subsection shall also apply
392 to any municipality having a population of not less than six
393 thousand (6,000) according to the latest federal census, a portion
394 of which is located in a county which has voted against coming out
395 from under the dry law and a portion of which is located in a



396 county which has voted in favor of coming out from under the dry
397 law. For the purpose of determining whether or not such a
398 municipality meets the threshold population of six thousand
399 (6,000) which will qualify the municipality to hold an election
400 under this subsection, the entire population of the municipality
401 shall be considered; however, the petition to hold the election
402 authorized in this subsection shall be ordered by the municipal
403 governing authorities upon the presentation of a petition to such
404 governing authorities containing the names of at least twenty
405 percent (20%) of the duly qualified voters of such municipality
406 who reside in that portion of the municipality located in a county
407 which has voted against coming out from under the dry law and the
408 election shall be held only in that portion of the municipality.
409 In all other respects, the authority for the holding of elections
410 and the manner in which such elections shall be conducted shall be
411 as prescribed in paragraph (a) of this subsection; and, after
412 proper certification of election results, the municipal governing
413 authorities shall pass the appropriate order to permit or prohibit
414 the legal sale of alcoholic beverages in that portion of the
415 municipality located in a county which has voted against coming
416 out from under the dry law.

417 **SECTION 6.** Section 67-3-7, Mississippi Code of 1972, is
418 amended as follows:

419 67-3-7. (1) If any county, at an election held for the
420 purpose under the election laws of the state, shall by a majority
421 vote of the duly qualified electors voting in the election
422 determine that the transportation, storage, sale, distribution,
423 receipt and/or manufacture of wine and beer of an alcoholic
424 content of not more than five percent (5%) by weight shall not be
425 permitted in such county, then the same shall not be permitted
426 therein except as authorized under Section 67-9-1 and as may be
427 otherwise authorized in this section. An election to determine
428 whether such transportation, storage, sale, distribution, receipt



and/or manufacture of such beverages shall be excluded from any county in the state, shall on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors thereof, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine or beer of an alcoholic content of not more than five percent (5%) by weight shall not be permitted in said county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not said transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer or wine, as defined herein, in any municipality which has heretofore or which may hereafter vote in an election, pursuant to Section 67-3-9, in which a majority of the qualified electors vote in favor of permitting the sale and the receipt, storage and transportation for the purpose of sale of beer or wine as defined herein.

(3) Nothing in this section shall make it unlawful to:

(a) Possess light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v);

(b) Transport light wine or beer to a qualified resort area as defined in Section 67-1-5(o)(iv) or (v); or

(c) Sell light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v) if such light wine or



beer is sold by a person with a permit to engage in the business
as a retailer of light wine or beer.

SECTION 7. 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, 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 and as
may be otherwise authorized in this section, the sale and the
receipt, storage and transportation for the purpose of sale of
beer of an alcoholic content of not more than five percent (5%) by
weight. 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 oftener 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, said
notice to contain a statement of the question to be voted on at
said election. The tickets to be used in said election shall have
the following words printed thereon: "For the legal sale of beer



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

500 If in said election a majority of the qualified electors
501 voting in the election shall vote "For the legal sale of beer of
502 an alcoholic content of not more than five percent (5%) by
503 weight," then the city council or mayor and board of aldermen or
504 other governing body shall pass the necessary order permitting the
505 legal sale of such beer in such city. If in said election a
506 majority of the qualified electors voting in the election shall
507 vote "Against the legal sale of beer of an alcoholic content of
508 not more than five percent (5%) by weight," then the city council
509 or mayor and board of aldermen or other governing body shall pass
510 the necessary order prohibiting the sale of such beer in such
511 city.

512 Nothing in this section shall make it unlawful to: (a)
513 possess light wine or beer at a qualified resort area as defined
514 in Section 67-1-5(o)(iv) or (v); (b) transport light wine or beer
515 to a qualified resort area as defined in Section 67-1-5(o)(iv) or
516 (v); or (c) sell light wine or beer at a qualified resort area as
517 defined in Section 67-1-5(o)(iv) or (v) if such light wine or beer
518 is sold by a person with a permit to engage in the business as a
519 retailer of light wine or beer.

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

523 **SECTION 8.** Section 67-3-13, Mississippi Code of 1972, is
524 amended as follows:

525 67-3-13. (1) Except as otherwise provided herein and as
526 authorized under * * * this section and Section 67-9-1, in any
527 county which has at any time since February 26, 1934, elected, or



which may hereafter elect, to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than four percent (4%) by weight in such county, it is hereby declared to be unlawful to possess such beverages therein. In any county which, after July 1, 1998, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than five percent (5%) by weight in such county, it is hereby declared to be unlawful to possess such beer therein. Any person found possessing any beer or wine of any quantity whatsoever in such county shall, on conviction, be imprisoned not more than ninety (90) days or fined not more than Five Hundred Dollars (\$500.00), or be both so fined and imprisoned.

(2) Notwithstanding the provisions of subsection (1) of this section, in any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine and beer when such light wine and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which possession of such beverages is lawful.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county or municipality in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful:

(a) To possess light wine or beer at a qualified resort area as defined in Section 67-1-5(o)(iv) or (v); or

(b) To distribute and transport light wine or beer to a qualified resort area as defined in Section 67-1-5(o)(iv) or (v).



560 **SECTION 9.** This act shall take effect and be in force from
561 and after July 1, 2002.

