

By: Representative Tullos

To: Ways and Means

HOUSE BILL NO. 790

1 AN ACT TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE ANY CITY OR TOWN IN THIS STATE HAVING A POPULATION OF  
 3 NOT LESS THAN 1,000 ACCORDING TO THE LATEST FEDERAL CENSUS LOCATED  
 4 WEST OF EAST TALLAHALA CREEK IN JASPER COUNTY, SOUTH OF NEWTON  
 5 COUNTY AND SCOTT COUNTY, EAST OF RANKIN COUNTY AND SIMPSON COUNTY,  
 6 AND NORTH OF JONES COUNTY AND COVINGTON COUNTY, TO HOLD AN  
 7 ELECTION FOR THE PURPOSE OF DETERMINING WHETHER THE SALE AND THE  
 8 RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE OF  
 9 BEER AND LIGHT WINE SHALL BE PERMITTED; AND FOR RELATED PURPOSES.

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

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

13 67-3-9. Any city in this state, having a population of not  
 14 less than two thousand five hundred (2,500) according to the  
 15 latest federal census; or any city in this state having a  
 16 population of not less than one thousand five hundred (1,500)  
 17 according to the latest federal census and located within three  
 18 (3) miles of a city or county that permits the sale, receipt,  
 19 storage and transportation for the purpose of sale of beer or  
 20 light wine; or any city or town in this state having a population  
 21 of not less than one thousand (1,000) according to the latest



22 federal census and located West of East Tallahala Creek in Jasper  
23 County, South of Newton County and Scott County, East of Rankin  
24 County and Simpson County, and North of Jones County and Covington  
25 County; at an election held for the purpose, under the election  
26 laws applicable to such city, may either prohibit or permit,  
27 except as otherwise provided under Section 67-9-1, the sale and  
28 the receipt, storage and transportation for the purpose of sale of  
29 beer and light wine. An election to determine whether such sale  
30 shall be permitted in cities wherein its sale is prohibited by law  
31 shall be ordered by the city or town council or mayor and board of  
32 aldermen or other governing body of such city or town for such  
33 city or town only, upon the presentation of a petition for such  
34 city or town to such governing board containing the names of  
35 twenty percent (20%) of the duly qualified voters of such city or  
36 town asking for such election. In like manner, an election to  
37 determine whether such sale shall be prohibited in cities wherein  
38 its sale is permitted by law shall be ordered by the city council  
39 or mayor and board of aldermen or other governing board of such  
40 city for such city only, upon the presentation of a petition to  
41 such governing board containing the names of twenty percent (20%)  
42 of the duly qualified voters of such city asking for such  
43 election. No election on either question shall be held by any one  
44 (1) city more often than once in five (5) years.

45 Thirty (30) days' notice shall be given to the qualified  
46 electors of such city or town in the manner prescribed by law upon



47 the question of either permitting or prohibiting such sale, and  
48 the notice shall contain a statement of the question to be voted  
49 on at the election. The tickets to be used in the election shall  
50 have the following words printed thereon: "For the legal sale of  
51 light wine of an alcoholic content of not more than five percent  
52 (5%) by weight and beer of an alcoholic content of not more than  
53 eight percent (8%) by weight"; and the words "Against the legal  
54 sale of light wine of an alcoholic content of not more than five  
55 percent (5%) by weight and beer of an alcoholic content of not  
56 more than eight percent (8%) by weight," next below. In making up  
57 his ticket the voter shall make a cross (X) opposite the words of  
58 his choice.

59 If in the election a majority of the qualified electors  
60 voting in the election shall vote "For the legal sale of light  
61 wine of an alcoholic content of not more than five percent (5%) by  
62 weight and beer of an alcoholic content of not more than eight  
63 percent (8%) by weight," then the city or town council or mayor  
64 and board of aldermen or other governing body shall pass the  
65 necessary order permitting the legal sale of such light wine and  
66 beer in such city or town. If in the election a majority of the  
67 qualified electors voting in the election shall vote "Against the  
68 legal sale of light wine of an alcoholic content of not more than  
69 five percent (5%) by weight and beer of an alcoholic content of  
70 not more than eight percent (8%) by weight," then the city council  
71 or mayor and board of aldermen or other governing body shall pass



72 the necessary order prohibiting the sale of such light wine and  
73 beer in such city.

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

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

