

By: Representative Tullos

To: Ways and Means

HOUSE BILL NO. 654  
(As Sent to Governor)

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 DECENNIAL  
4 CENSUS LOCATED IN A COUNTY THAT HAS NO CITY OR TOWN WITH A  
5 POPULATION OF MORE THAN 2,500, OR ANY CITY, TOWN OR VILLAGE THAT  
6 IS A COUNTY SEAT THAT HAS VOTED TO COME OUT FROM UNDER THE DRY LAW  
7 UNDER SECTION 67-1-14, TO HOLD AN ELECTION FOR THE PURPOSE OF  
8 DETERMINING WHETHER THE SALE AND THE RECEIPT, STORAGE AND  
9 TRANSPORTATION FOR THE PURPOSE OF SALE OF BEER AND LIGHT WINE  
10 SHALL BE PERMITTED; AND FOR RELATED PURPOSES.

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

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

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



23 latest federal decennial census and located in a county that has  
24 no city or town with a population of more than two thousand five  
25 hundred (2,500); or any city, town or village that is a county  
26 seat and has voted to come out from under the dry law under  
27 Section 67-1-14; at an election held for the purpose, under the  
28 election laws applicable to such city, may either prohibit or  
29 permit, except as otherwise provided under Section 67-9-1, the  
30 sale and the receipt, storage and transportation for the purpose  
31 of sale of beer and light wine. An election to determine whether  
32 such sale shall be permitted in cities wherein its sale is  
33 prohibited by law shall be ordered by the city or town council or  
34 mayor and board of aldermen or other governing body of such city  
35 or town for such city or town only, upon the presentation of a  
36 petition for such city or town to such governing board containing  
37 the names of twenty percent (20%) of the duly qualified voters of  
38 such city or town asking for such election. In like manner, an  
39 election to determine whether such sale shall be prohibited in  
40 cities wherein its sale is permitted by law shall be ordered by  
41 the city council or mayor and board of aldermen or other governing  
42 board of such city for such city only, upon the presentation of a  
43 petition to such governing board containing the names of twenty  
44 percent (20%) of the duly qualified voters of such city asking for  
45 such election. No election on either question shall be held by  
46 any one (1) city more often than once in five (5) years.



47       Thirty (30) days' notice shall be given to the qualified  
48 electors of such city or town in the manner prescribed by law upon  
49 the question of either permitting or prohibiting such sale, and  
50 the notice shall contain a statement of the question to be voted  
51 on at the election. The tickets to be used in the election shall  
52 have the following words printed thereon: "For the legal sale of  
53 light wine of an alcoholic content of not more than five percent  
54 (5%) by weight and beer of an alcoholic content of not more than  
55 eight percent (8%) by weight"; and the words "Against the legal  
56 sale of light wine of an alcoholic content of not more than five  
57 percent (5%) by weight and beer of an alcoholic content of not  
58 more than eight percent (8%) by weight," next below. In making up  
59 his or her ticket the voter shall make a cross (X) opposite the  
60 words of his choice.

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



72 not more than eight percent (8%) by weight," then the city council  
73 or mayor and board of aldermen or other governing body shall pass  
74 the necessary order prohibiting the sale of such light wine and  
75 beer in such city.

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

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

