

By: Representative Scoggin

To: Ways and Means

HOUSE BILL NO. 1001

1 AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ANY MUNICIPALITY THAT IS LOCATED IN A COUNTY WHICH
 3 HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW MAY, AT AN
 4 ELECTION HELD FOR THAT PURPOSE, EITHER PROHIBIT OR PERMIT THE
 5 SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE
 6 OF SALE, OF ALCOHOLIC BEVERAGES; TO AMEND SECTION 67-3-9,
 7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MUNICIPALITY MAY, AT
 8 AN ELECTION HELD FOR THAT PURPOSE, EITHER PROHIBIT OR PERMIT THE
 9 SALE AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE
 10 OF SALE, OF BEER AND LIGHT WINE; AND FOR RELATED PURPOSES.

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

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

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

20 (2) (a) Any municipality in this state * * * located in a
 21 county which has voted against coming out from under the dry
 22 law * * * may, at an election held for the purpose under the



23 election laws applicable to such municipality, either prohibit or
24 permit, except as otherwise provided under Section 67-9-1, the
25 sale of alcoholic beverages. An election to determine whether
26 such sale shall be permitted in municipalities wherein its sale is
27 prohibited by law shall be ordered by the municipal governing
28 authorities upon the presentation of a petition to such governing
29 authorities containing the names of at least twenty percent (20%)
30 of the duly qualified voters of such municipality asking for such
31 election. In like manner, an election to determine whether such
32 sale shall be prohibited in municipalities wherein its sale is
33 permitted by law shall be ordered by the municipal governing
34 authorities upon the presentation of a petition to such governing
35 authorities containing the names of at least twenty percent (20%)
36 of the duly qualified voters of such municipality asking for such
37 election. No election on either question shall be held by any one
38 (1) municipality more often than once in two (2) years.

39 Thirty (30) days' notice shall be given to the qualified
40 electors of such municipality, in the manner prescribed by law,
41 upon the question of either permitting or prohibiting such sale,
42 such notice to contain a statement of the question to be voted on
43 at the election. The ballots to be used in the election shall
44 have the following words printed thereon: "For the legal sale of
45 alcoholic beverages" and the words "Against the legal sale of
46 alcoholic beverages" next below. In marking his ballot the voter
47 shall make a cross (X) opposite the words of his choice.



48 If in the election a majority of the qualified electors
49 voting in the election shall vote "for the legal sale of alcoholic
50 beverages," then the municipal governing authorities shall pass
51 the necessary order permitting the legal sale of such alcoholic
52 beverages in such municipality. If in the election a majority of
53 the qualified electors voting in the election shall vote "against
54 the legal sale of alcoholic beverages," then the municipal
55 governing authorities shall pass the necessary order prohibiting
56 the sale of alcoholic beverages in such municipality.

57 (b) The provisions of this subsection shall also apply
58 to any municipality * * *, a portion of which is located in a
59 county which has voted against coming out from under the dry law
60 and a portion of which is located in a county which has voted in
61 favor of coming out from under the dry law. * * * The petition to
62 hold the election authorized in this subsection shall be ordered
63 by the municipal governing authorities upon the presentation of a
64 petition to such governing authorities containing the names of at
65 least twenty percent (20%) of the duly qualified voters of such
66 municipality who reside in that portion of the municipality
67 located in a county which has voted against coming out from under
68 the dry law and the election shall be held only in that portion of
69 the municipality. In all other respects, the authority for the
70 holding of elections and the manner in which such elections shall
71 be conducted shall be as prescribed in paragraph (a) of this
72 subsection; and, after proper certification of election results,



73 the municipal governing authorities shall pass the appropriate
74 order to permit or prohibit the legal sale of alcoholic beverages
75 in that portion of the municipality located in a county which has
76 voted against coming out from under the dry law.

77 (3) The governing authorities of a municipality that has
78 voted to come out from under the dry law after August 23, 2012,
79 may, by ordinance, provide that alcoholic beverages may be sold in
80 the municipality only by the holder of an on-premises retailer's
81 permit.

82 **SECTION 2.** Section 67-3-9, Mississippi Code of 1972, is
83 amended as follows:

84 67-3-9. Any * * * municipality in this state, * * * at an
85 election held for the purpose, under the election laws applicable
86 to such * * * municipality, may either prohibit or permit, except
87 as otherwise provided under Section 67-9-1, the sale and the
88 receipt, storage and transportation for the purpose of sale of
89 beer, light spirit product and light wine. An election to
90 determine whether such sale shall be permitted in * * *
91 municipalities wherein its sale is prohibited by law shall be
92 ordered by the * * * municipal council or mayor and board of
93 aldermen or other governing body of such * * * municipality for
94 such * * * municipality only, upon the presentation of a petition
95 for such * * * municipality to such governing board containing the
96 names of twenty percent (20%) or fifteen hundred (1,500),
97 whichever number is the lesser, of the duly qualified voters of



98 such * * * municipality asking for such election. In like manner,
99 an election to determine whether such sale shall be prohibited
100 in * * * municipalities wherein its sale is permitted by law shall
101 be ordered by the * * * municipal council or mayor and board of
102 aldermen or other governing board of such * * * municipality for
103 such * * * municipality only, upon the presentation of a petition
104 to such governing board containing the names of twenty percent
105 (20%) of the duly qualified voters of such * * * municipality
106 asking for such election. No election on either question shall be
107 held by any one (1) city more often than once in five (5) years.

108 Thirty (30) days' notice shall be given to the qualified
109 electors of such * * * municipality in the manner prescribed by
110 law upon the question of either permitting or prohibiting such
111 sale, and the notice shall contain a statement of the question to
112 be voted on at the election. The tickets to be used in the
113 election shall have the following words printed thereon: "For the
114 legal sale of light wine of an alcoholic content of not more than
115 five percent (5%) by weight, light spirit product of an alcoholic
116 content of not more than six percent (6%) by weight, and beer of
117 an alcoholic content of not more than eight percent (8%) by
118 weight"; and the words "Against the legal sale of light wine of an
119 alcoholic content of not more than five percent (5%) by weight,
120 light spirit product of an alcoholic content of not more than six
121 percent (6%) by weight, and beer of an alcoholic content of not
122 more than eight percent (8%) by weight," next below. In making up



123 his or her ticket the voter shall make a cross (X) opposite the
124 words of his choice.

125 If in the election a majority of the qualified electors
126 voting in the election shall vote "For the legal sale of light
127 wine of an alcoholic content of not more than five percent (5%) by
128 weight, light spirit product of an alcoholic content of not more
129 than six percent (6%) by weight, and beer of an alcoholic content
130 of not more than eight percent (8%) by weight," then the * * *
131 municipal council or mayor and board of aldermen or other
132 governing body shall pass the necessary order permitting the legal
133 sale of such light wine, light spirit product and beer in
134 such * * * municipality. If in the election a majority of the
135 qualified electors voting in the election shall vote "Against the
136 legal sale of light wine of an alcoholic content of not more than
137 five percent (5%) by weight, light spirit product of an alcoholic
138 content of not more than six percent (6%) by weight, and beer of
139 an alcoholic content of not more than eight percent (8%) by
140 weight," then the * * * municipal council or mayor and board of
141 aldermen or other governing body shall pass the necessary order
142 prohibiting the sale of such light wine, light spirit product and
143 beer in such * * * municipality.

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



147 **SECTION 3.** This act shall take effect and be in force from
148 and after July 1, 2022.

