

By: Representatives Weathersby, Powell,
Shanks, Summers

To: Ways and Means

HOUSE BILL NO. 784

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION
4 67-1-16, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTION TO BE
5 HELD BEFORE CERTAIN MUNICIPALITIES MAY BE DESIGNATED A QUALIFIED
6 RESORT AREA UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW;
7 AND FOR RELATED PURPOSES.

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

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

11 67-1-5. For the purposes of this chapter and unless
12 otherwise required by the context:

13 (a) "Alcoholic beverage" means any alcoholic liquid,
14 including wines of more than five percent (5%) of alcohol by
15 weight, capable of being consumed as a beverage by a human being,
16 but shall not include light wine, light spirit product and beer,
17 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
18 include native wines and native spirits. The words "alcoholic
19 beverage" shall not include ethyl alcohol manufactured or
20 distilled solely for fuel purposes or beer of an alcoholic content



21 of more than eight percent (8%) by weight if the beer is legally
22 manufactured in this state for sale in another state.

23 (b) "Alcohol" means the product of distillation of any
24 fermented liquid, whatever the origin thereof, and includes
25 synthetic ethyl alcohol, but does not include denatured alcohol or
26 wood alcohol.

27 (c) "Distilled spirits" means any beverage containing
28 more than six percent (6%) of alcohol by weight produced by
29 distillation of fermented grain, starch, molasses or sugar,
30 including dilutions and mixtures of these beverages.

31 (d) "Wine" or "vinous liquor" means any product
32 obtained from the alcoholic fermentation of the juice of sound,
33 ripe grapes, fruits, honey or berries and made in accordance with
34 the revenue laws of the United States.

35 (e) "Person" means and includes any individual,
36 partnership, corporation, association or other legal entity
37 whatsoever.

38 (f) "Manufacturer" means any person engaged in
39 manufacturing, distilling, rectifying, blending or bottling any
40 alcoholic beverage.

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



45 (h) "Retailer" means any person who sells, distributes,
46 or offers for sale or distribution, any alcoholic beverage for use
47 or consumption by the purchaser and not for resale.

48 (i) "State Tax Commission," "commission" or
49 "department" means the Department of Revenue of the State of
50 Mississippi, which shall create a division in its organization to
51 be known as the Alcoholic Beverage Control Division. Any
52 reference to the commission or the department hereafter means the
53 powers and duties of the Department of Revenue with reference to
54 supervision of the Alcoholic Beverage Control Division.

55 (j) "Division" means the Alcoholic Beverage Control
56 Division of the Department of Revenue.

57 (k) "Municipality" means any incorporated city or town
58 of this state.

59 (l) "Hotel" means an establishment within a
60 municipality, or within a qualified resort area approved as such
61 by the department, where, in consideration of payment, food and
62 lodging are habitually furnished to travelers and wherein are
63 located at least twenty (20) adequately furnished and completely
64 separate sleeping rooms with adequate facilities that persons
65 usually apply for and receive as overnight accommodations. Hotels
66 in towns or cities of more than twenty-five thousand (25,000)
67 population are similarly defined except that they must have fifty
68 (50) or more sleeping rooms. Any such establishment described in
69 this paragraph with less than fifty (50) beds shall operate one or



70 more regular dining rooms designed to be constantly frequented by
71 customers each day. When used in this chapter, the word "hotel"
72 shall also be construed to include any establishment that meets
73 the definition of "bed and breakfast inn" as provided in this
74 section.

75 (m) "Restaurant" means:

76 (i) A place which is regularly and in a bona fide
77 manner used and kept open for the serving of meals to guests for
78 compensation, which has suitable seating facilities for guests,
79 and which has suitable kitchen facilities connected therewith for
80 cooking an assortment of foods and meals commonly ordered at
81 various hours of the day; the service of such food as sandwiches
82 and salads only shall not be deemed in compliance with this
83 requirement. Except as otherwise provided in this paragraph, no
84 place shall qualify as a restaurant under this chapter unless
85 twenty-five percent (25%) or more of the revenue derived from such
86 place shall be from the preparation, cooking and serving of meals
87 and not from the sale of beverages, or unless the value of food
88 given to and consumed by customers is equal to twenty-five percent
89 (25%) or more of total revenue; or

90 (ii) Any privately owned business located in a
91 building in a historic district where the district is listed in
92 the National Register of Historic Places, where the building has a
93 total occupancy rating of not less than one thousand (1,000) and
94 where the business regularly utilizes ten thousand (10,000) square



95 feet or more in the building for live entertainment, including not
96 only the stage, lobby or area where the audience sits and/or
97 stands, but also any other portion of the building necessary for
98 the operation of the business, including any kitchen area, bar
99 area, storage area and office space, but excluding any area for
100 parking. In addition to the other requirements of this
101 subparagraph, the business must also serve food to guests for
102 compensation within the building and derive the majority of its
103 revenue from event-related fees, including, but not limited to,
104 admission fees or ticket sales to live entertainment in the
105 building, and from the rental of all or part of the facilities of
106 the business in the building to another party for a specific event
107 or function.

108 (n) "Club" means an association or a corporation:

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

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

114 (iii) Maintained by its members through the
115 payment of annual dues;

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



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

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

131 The department may, in its discretion, waive the five-year
132 provision of this paragraph. In order to qualify under this
133 paragraph, a club must file with the department, at the time of
134 its application for a license under this chapter, two (2) copies
135 of a list of the names and residences of its members and similarly
136 file, within ten (10) days after the election of any additional
137 member, his name and address. Each club applying for a license
138 shall also file with the department at the time of the application
139 a copy of its articles of association, charter of incorporation,
140 bylaws or other instruments governing the business and affairs
141 thereof.

142 (o) "Qualified resort area" means any area or locality
143 outside of the limits of incorporated municipalities in this state
144 commonly known and accepted as a place which regularly and



145 customarily attracts tourists, vacationists and other transients
146 because of its historical, scenic or recreational facilities or
147 attractions, or because of other attributes which regularly and
148 customarily appeal to and attract tourists, vacationists and other
149 transients in substantial numbers; however, no area or locality
150 shall so qualify as a resort area until it has been duly and
151 properly approved as such by the department. The department may
152 not approve an area as a qualified resort area after July 1, 2018,
153 if any portion of such proposed area is located within two (2)
154 miles of a convent or monastery that is located in a county
155 traversed by Interstate 55 and U.S. Highway 98. A convent or
156 monastery may waive such distance restrictions in favor of
157 allowing approval by the department of an area as a qualified
158 resort area. Such waiver shall be in written form from the owner,
159 the governing body, or the appropriate officer of the convent or
160 monastery having the authority to execute such a waiver, and the
161 waiver shall be filed with and verified by the department before
162 becoming effective.

163 (i) The department may approve an area or locality
164 outside of the limits of an incorporated municipality that is in
165 the process of being developed as a qualified resort area if such
166 area or locality, when developed, can reasonably be expected to
167 meet the requisites of the definition of the term "qualified
168 resort area." In such a case, the status of qualified resort area
169 shall not take effect until completion of the development.



170 (ii) The term includes any state park which is
171 declared a resort area by the department; however, such
172 declaration may only be initiated in a written request for resort
173 area status made to the department by the Executive Director of
174 the Department of Wildlife, Fisheries and Parks, and no permit for
175 the sale of any alcoholic beverage, as defined in this chapter,
176 except an on-premises retailer's permit, shall be issued for a
177 hotel, restaurant or bed and breakfast inn in such park.

178 (iii) The term includes:

179 1. The clubhouses associated with the state
180 park golf courses at the Lefleur's Bluff State Park, the John Kyle
181 State Park, the Percy Quin State Park and the Hugh White State
182 Park;

183 2. The clubhouse and associated golf course,
184 tennis courts and related facilities and swimming pool and related
185 facilities where the golf course, tennis courts and related
186 facilities and swimming pool and related facilities are adjacent
187 to one or more planned residential developments and the golf
188 course and all such developments collectively include at least
189 seven hundred fifty (750) acres and at least four hundred (400)
190 residential units;

191 3. Any facility located on property that is a
192 game reserve with restricted access that consists of at least
193 three thousand (3,000) contiguous acres with no public roads and



194 that offers as a service hunts for a fee to overnight guests of
195 the facility;

196 4. Any facility located on federal property
197 surrounding a lake and designated as a recreational area by the
198 United States Army Corps of Engineers that consists of at least
199 one thousand five hundred (1,500) acres;

200 5. Any facility that is located in a
201 municipality that is bordered by the Pearl River, traversed by
202 Mississippi Highway 25, adjacent to the boundaries of the Jackson
203 International Airport and is located in a county which has voted
204 against coming out from under the dry law; however, any such
205 facility may only be located in areas designated by the governing
206 authorities of such municipality;

207 6. Any municipality with a population in
208 excess of ten thousand (10,000) according to the latest federal
209 decennial census that is located in a county that is bordered by
210 the Pearl River and is not traversed by Interstate Highway 20,
211 with a population in excess of forty-five thousand (45,000)
212 according to the latest federal decennial census; however, the
213 governing authorities of such a municipality may by ordinance:

214 a. Specify the hours of operation of
215 facilities that offer alcoholic beverages for sale;

216 b. Specify the percentage of revenue
217 that facilities that offer alcoholic beverages for sale must



218 derive from the preparation, cooking and serving of meals and not
219 from the sale of beverages;

220 c. Designate the areas in which
221 facilities that offer alcoholic beverages for sale may be located;

222 7. The West Pearl Restaurant Tax District as
223 defined in Chapter 912, Local and Private Laws of 2007;

224 8. a. Land that is located in any county in
225 which Mississippi Highway 43 and Mississippi Highway 25 intersect
226 and:

227 A. Owned by the Pearl River Valley
228 Water Supply District, and/or

229 B. Located within the Reservoir
230 Community District, zoned commercial, east of Old Fannin Road,
231 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
232 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
233 Drive and/or Lake Vista Place, and/or

234 C. Located within the Reservoir
235 Community District, zoned commercial, west of Old Fannin Road,
236 south of Spillway Road and extending to the boundary of the
237 corporate limits of the City of Flowood, Mississippi;

238 b. The board of supervisors of such
239 county, with respect to B and C of item 8.a., may by resolution or
240 other order:

241 A. Specify the hours of operation
242 of facilities that offer alcoholic beverages for sale,



243 B. Specify the percentage of
244 revenue that facilities that offer alcoholic beverages for sale
245 must derive from the preparation, cooking and serving of meals and
246 not from the sale of beverages, and

247 C. Designate the areas in which
248 facilities that offer alcoholic beverages for sale may be located;

249 9. Any facility located on property that is a
250 game reserve with restricted access that consists of at least
251 eight hundred (800) contiguous acres with no public roads, that
252 offers as a service hunts for a fee to overnight guests of the
253 facility, and has accommodations for at least fifty (50) overnight
254 guests;

255 10. Any facility that:

256 a. Consists of at least six thousand
257 (6,000) square feet being heated and cooled along with an
258 additional adjacent area that consists of at least two thousand
259 two hundred (2,200) square feet regardless of whether heated and
260 cooled,

261 b. For a fee is used to host events such
262 as weddings, reunions and conventions,

263 c. Provides lodging accommodations
264 regardless of whether part of the facility and/or located adjacent
265 to or in close proximity to the facility, and

266 d. Is located on property that consists
267 of at least thirty (30) contiguous acres;



268 11. Any facility and related property:
269 a. Located on property that consists of
270 at least one hundred twenty-five (125) contiguous acres and
271 consisting of an eighteen (18) hole golf course, and/or located in
272 a facility that consists of at least eight thousand (8,000) square
273 feet being heated and cooled,
274 b. Used for the purpose of providing
275 meals and hosting events, and
276 c. Used for the purpose of teaching
277 culinary arts courses and/or turf management and grounds keeping
278 courses, and/or outdoor recreation and leadership courses;
279 12. Any facility and related property that:
280 a. Consist of at least eight thousand
281 (8,000) square feet being heated and cooled,
282 b. For a fee is used to host events,
283 c. Is used for the purpose of culinary
284 arts courses, and/or live entertainment courses and art
285 performances, and/or outdoor recreation and leadership courses;
286 13. The clubhouse and associated golf course
287 where the golf course is adjacent to one or more residential
288 developments and the golf course and all such developments
289 collectively include at least two hundred (200) acres and at least
290 one hundred fifty (150) residential units and are located a. in a
291 county that has voted against coming out from under the dry law;
292 and b. outside of but in close proximity to a municipality in such



293 county which has voted under Section 67-1-14, after January 1,
294 2013, to come out from under the dry law;

295 14. The clubhouse and associated eighteen
296 (18) hole golf course located in a municipality traversed by
297 Interstate Highway 55 and U.S. Highway 51 that has voted to come
298 out from under the dry law;

299 15. a. Land that is planned for mixed use
300 development and consists of at least two hundred (200) contiguous
301 acres with one or more planned residential developments
302 collectively planned to include at least two hundred (200)
303 residential units when completed, and also including a facility
304 that consists of at least four thousand (4,000) square feet that
305 is not part of such land but is located adjacent to or in close
306 proximity thereto, and which land is located:

307 A. In a county that has voted to
308 come out from under the dry law,

309 B. Outside the corporate limits of
310 any municipality in such county and adjacent to or in close
311 proximity to a golf course located in a municipality in such
312 county, and

313 C. Within one (1) mile of a state
314 institution of higher learning;

315 b. The board of supervisors of such
316 county may by resolution or other order:



317 A. Specify the hours of operation
318 of facilities that offer alcoholic beverages for sale,

319 B. Specify the percentage of
320 revenue that facilities that offer alcoholic beverages for sale
321 must derive from the preparation, cooking and serving of meals and
322 not from the sale of beverages, and

323 C. Designate the areas in which
324 facilities that offer alcoholic beverages for sale may be located;

325 16. Any facility with a capacity of five
326 hundred (500) people or more, to be used as a venue for private
327 events, on a tract of land in the Southwest Quarter of Section 33,
328 Township 2 South, Range 7 East, of a county where U.S. Highway 45
329 and U.S. Highway 72 intersect and that has not voted to come out
330 from under the dry law;

331 17. One hundred five (105) contiguous acres,
332 more or less, located in Hinds County, Mississippi, and in the
333 City of Jackson, Mississippi, whereon are constructed a variety of
334 buildings, improvements, grounds or objects for the purpose of
335 holding events thereon to promote agricultural and industrial
336 development in Mississippi;

337 18. Land that is owned by a state institution
338 of higher learning and:

339 a. Located entirely within a county that
340 has elected by majority vote not to permit the transportation,



341 storage, sale, distribution, receipt and/or manufacture of light
342 wine and beer pursuant to Section 67-3-7, and

343 b. Adjacent to but outside the
344 incorporated limits of a municipality that has elected by majority
345 vote to permit the sale, receipt, storage and transportation of
346 light wine and beer pursuant to Section 67-3-9.

347 If any portion of the land described in this item 18 has been
348 declared a qualified resort area by the department before July 1,
349 2020, then that qualified resort area shall be incorporated into
350 the qualified resort area created by this item 18;

351 19. Any facility and related property:

352 a. Used as a flea market or similar
353 venue during a weekend (Saturday and Sunday) immediately preceding
354 the first Monday of a month and having an annual average of at
355 least one thousand (1,000) visitors for each such weekend and five
356 hundred (500) vendors for Saturday of each such weekend, and

357 b. Located in a county that has not
358 voted to come out from under the dry law and outside of but in
359 close proximity to a municipality located in such county and which
360 municipality has voted to come out from under the dry law;

361 20. Blocks 1, 2 and 3 of the original town
362 square in any municipality with a population in excess of one
363 thousand five hundred (1,500) according to the latest federal
364 decennial census and which is located in:



365 a. A county traversed by Interstate 55
366 and Interstate 20, and

367 b. A judicial district that has not
368 voted to come out from under the dry law;

369 21. Any municipality with a population in
370 excess of two thousand (2,000) according to the latest federal
371 decennial census and in which is located a part of White's Creek
372 Lake and in which U.S. Highway 82 intersects with Mississippi
373 Highway 9 and located in a county that is partially bordered on
374 one (1) side by the Big Black River; however, the governing
375 authorities of such a municipality may by ordinance:

376 a. Specify the hours of operation of
377 facilities that offer alcoholic beverages for sale;

378 b. Specify the percentage of revenue
379 that facilities that offer alcoholic beverages for sale must
380 derive from the preparation, cooking and serving of meals and not
381 from the sale of beverages; and

382 c. Designate the areas in which
383 facilities that offer alcoholic beverages for sale may be located;

384 22. A restaurant located on a two-acre tract
385 adjacent to a five-hundred-fifty-acre lake in the northeast corner
386 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

387 23. Any tracts of land in Oktibbeha County,
388 situated north of Bailey Howell Drive, Lee Boulevard and Old
389 Mayhew Road, east of George Perry Street and south of Mississippi



390 Highway 182, and not located on the property of a state
391 institution of higher learning; however, the board of supervisors
392 of such county may by resolution or other order:

393 a. Specify the hours of operation of
394 facilities that offer alcoholic beverages for sale;

395 b. Specify the percentage of revenue
396 that facilities that offer alcoholic beverages for sale must
397 derive from the preparation, cooking and serving of meals and not
398 from the sale of beverages; and

399 c. Designate the areas in which
400 facilities that offer alcoholic beverages for sale may be located;

401 24. A municipality in which Mississippi
402 Highway 27 and Mississippi Highway 28 intersect; however, the
403 governing authorities of such a municipality may by ordinance:

404 a. Specify the hours of operation of
405 facilities offering alcoholic beverages for sale;

406 b. Specify the percentage of revenue
407 that facilities offering alcoholic beverages for sale must derive
408 from the preparation, cooking and serving of meals and not from
409 the sale of beverages; and

410 c. Designate the areas in which
411 facilities offering alcoholic beverages for sale may be located;

412 25. A municipality through which run
413 Mississippi Highway 35 and Interstate 20; however, the governing
414 authorities of such a municipality may by ordinance:



415 a. Specify the hours of operation of
416 facilities that offer alcoholic beverages for sale;
417 b. Specify the percentage of revenue
418 that facilities that offer alcoholic beverages for sale must
419 derive from the preparation, cooking and serving of meals and not
420 from the sale of beverages; and

421 c. Designate the areas in which
422 facilities that offer alcoholic beverages for sale may be located;

423 26. A municipality in which Mississippi
424 Highway 16 and Mississippi Highway 35 intersect; however, the
425 governing authorities of such a municipality may by ordinance:

426 a. Specify the hours of operation of
427 facilities that offer alcoholic beverages for sale;
428 b. Specify the percentage of revenue
429 that facilities that offer alcoholic beverages for sale must
430 derive from the preparation, cooking and serving of meals and not
431 from the sale of beverages; and

432 c. Designate the areas in which
433 facilities that offer alcoholic beverages for sale may be located;

434 27. A municipality in which U.S. Highway 82
435 and Old Highway 61 intersect; however, the governing authorities
436 of such a municipality may by ordinance:

437 a. Specify the hours of operation of
438 facilities that offer alcoholic beverages for sale;



439 b. Specify the percentage of revenue
440 that facilities that offer alcoholic beverages for sale must
441 derive from the preparation, cooking and serving of meals and not
442 from the sale of beverages; and

443 c. Designate the areas in which
444 facilities that offer alcoholic beverages for sale may be located;

445 28. A municipality in which Mississippi
446 Highway 8 meets Mississippi Highway 1; however, the governing
447 authorities of such a municipality may by ordinance:

448 a. Specify the hours of operation of
449 facilities that offer alcoholic beverages for sale;

450 b. Specify the percentage of revenue
451 that facilities that offer alcoholic beverages for sale must
452 derive from the preparation, cooking and serving of meals and not
453 from the sale of beverages; and

454 c. Designate the areas in which
455 facilities that offer alcoholic beverages for sale may be located;

456 29. A municipality in which U.S. Highway 82
457 and Mississippi Highway 1 intersect; however, the governing
458 authorities of such a municipality may by ordinance:

459 a. Specify the hours of operation of
460 facilities that offer alcoholic beverages for sale;

461 b. Specify the percentage of revenue
462 that facilities that offer alcoholic beverages for sale must



463 derive from the preparation, cooking and serving of meals and not
464 from the sale of beverages; and

465 c. Designate the areas in which
466 facilities that offer alcoholic beverages for sale may be located;

467 30. A municipality in which Mississippi
468 Highway 50 meets Mississippi Highway 9; however, the governing
469 authorities of such a municipality may by ordinance:

470 a. Specify the hours of operation of
471 facilities that offer alcoholic beverages for sale;

472 b. Specify the percentage of revenue
473 that facilities that offer alcoholic beverages for sale must
474 derive from the preparation, cooking and serving of meals and not
475 from the sale of beverages; and

476 c. Designate the areas in which
477 facilities that offer alcoholic beverages for sale may be located;

478 31. An area bounded on the north by Pearl
479 Street, on the east by West Street, on the south by Court Street
480 and on the west by Farish Street, within a municipality bordered
481 on the east by the Pearl River and through which run Interstate 20
482 and Interstate 55; however, the governing authorities of the
483 municipality in which such area is located may by ordinance:

484 a. Specify the hours of operation of
485 facilities that offer alcoholic beverages for sale;

486 b. Specify the percentage of revenue
487 that facilities that offer alcoholic beverages for sale must



488 derive from the preparation, cooking and serving of meals and not
489 from the sale of beverages; and

490 c. Designate the areas in which
491 facilities that offer alcoholic beverages for sale may be located;

492 32. Any facility and related property that:

493 a. Is contracted for mixed-use
494 development improvements consisting of office and residential
495 space and a restaurant and lounge, partially occupying the
496 renovated space of a four-story commercial building which
497 previously served as a financial institution; and adjacent
498 property to the west consisting of a single-story office building
499 that was originally occupied by the Brotherhood of Carpenters and
500 Joiners of American Local Number 569; and

501 b. Is situated on a tract of land
502 consisting of approximately one and one-tenth (1.10) acres, and
503 the adjacent property to the west consisting of approximately 0.5
504 acres, located in a municipality which is the seat of county
505 government, situated south of Interstate 10, traversed by U.S.
506 Highway 90, partially bordered on one (1) side by the Pascagoula
507 River and having its most southern boundary bordered by the Gulf
508 of Mexico, with a population greater than twenty-two thousand
509 (22,000) according to the 2010 federal decennial census; however,
510 the governing authorities of such a municipality may by ordinance:

511 A. Specify the hours of operation
512 of facilities that offer alcoholic beverages for sale;



513 B. Specify the percentage of
514 revenue that facilities that offer alcoholic beverages for sale
515 must derive from the preparation, cooking and serving of meals and
516 not from the sale of beverages; and

517 C. Designate the areas within the
518 facilities in which alcoholic beverages may be offered for sale;

519 33. Any facility with a maximum capacity of
520 one hundred twenty (120) people that consists of at least three
521 thousand (3,000) square feet being heated and cooled, has a
522 commercial kitchen, has a pavilion that consists of at least nine
523 thousand (9,000) square feet and is located on land more
524 particularly described as follows:

525 All that part of the East Half of the Northwest Quarter
526 of Section 21, Township 7 South, Range 4 East, Union
527 County, Mississippi, that lies South of Mississippi
528 State Highway 348 right-of-way and containing 19.48
529 acres, more or less.

530 ALSO,

531 The Northeast 38 acres of the Southwest Quarter of
532 Section 21, Township 7 South, Range 4 East, Union
533 County, Mississippi.

534 ALSO,

535 The South 81 1/2 acres of the Southwest Quarter of
536 Section 21, Township 7 South, Range 4 East, Union
537 County, Mississippi; * * *



538 34. A municipality in which U.S. Highway 51
539 and Mississippi Highway 16 intersect; however, the governing
540 authorities of such a municipality may by ordinance:

541 a. Specify the hours of operation of
542 facilities that offer alcoholic beverages for sale;

543 b. Specify the percentage of revenue
544 that facilities that offer alcoholic beverages for sale must
545 derive from the preparation, cooking and serving of meals and not
546 from the sale of beverages; and

547 c. Designate the areas in which
548 facilities that offer alcoholic beverages for sale may be located;
549 and

550 35. Any municipality that is bordered in its
551 northwestern boundary by the Pearl River, traversed by U.S.
552 Highway 49 and Interstate 20, and is located in a county which has
553 voted against coming out from under the dry law; however, the
554 governing authorities of such a municipality may by ordinance:

555 a. Specify the hours of operation of
556 facilities that offer alcoholic beverages for sale;

557 b. Specify the percentage of revenue
558 that facilities that offer alcoholic beverages for sale must
559 derive from the preparation, cooking and serving of meals and not
560 from the sale of beverages; and

561 c. Designate the areas in which
562 facilities that offer alcoholic beverages for sale may be



563 located.

564 The status of these municipalities, districts, clubhouses,
565 facilities, golf courses and areas described in subparagraph (iii)
566 of this paragraph (o) as qualified resort areas does not require
567 any declaration of same by the department.

568 (p) "Native wine" means any product, produced in
569 Mississippi for sale, having an alcohol content not to exceed
570 twenty-one percent (21%) by weight and made in accordance with
571 revenue laws of the United States, which shall be obtained
572 primarily from the alcoholic fermentation of the juice of ripe
573 grapes, fruits, berries, honey or vegetables grown and produced in
574 Mississippi; provided that bulk, concentrated or fortified wines
575 used for blending may be produced without this state and used in
576 producing native wines. The department shall adopt and promulgate
577 rules and regulations to permit a producer to import such bulk
578 and/or fortified wines into this state for use in blending with
579 native wines without payment of any excise tax that would
580 otherwise accrue thereon.

581 (q) "Native winery" means any place or establishment
582 within the State of Mississippi where native wine is produced, in
583 whole or in part, for sale.

584 (r) "Bed and breakfast inn" means an establishment
585 within a municipality where in consideration of payment, breakfast
586 and lodging are habitually furnished to travelers and wherein are
587 located not less than eight (8) and not more than nineteen (19)



588 adequately furnished and completely separate sleeping rooms with
589 adequate facilities, that persons usually apply for and receive as
590 overnight accommodations; however, such restriction on the minimum
591 number of sleeping rooms shall not apply to establishments on the
592 National Register of Historic Places. No place shall qualify as a
593 bed and breakfast inn under this chapter unless on the date of the
594 initial application for a license under this chapter more than
595 fifty percent (50%) of the sleeping rooms are located in a
596 structure formerly used as a residence.

597 (s) "Board" shall refer to the Board of Tax Appeals of
598 the State of Mississippi.

599 (t) "Spa facility" means an establishment within a
600 municipality or qualified resort area and owned by a hotel where,
601 in consideration of payment, patrons receive from licensed
602 professionals a variety of private personal care treatments such
603 as massages, facials, waxes, exfoliation and hairstyling.

604 (u) "Art studio or gallery" means an establishment
605 within a municipality or qualified resort area that is in the sole
606 business of allowing patrons to view and/or purchase paintings and
607 other creative artwork.

608 (v) "Cooking school" means an establishment within a
609 municipality or qualified resort area and owned by a nationally
610 recognized company that offers an established culinary education
611 curriculum and program where, in consideration of payment, patrons
612 are given scheduled professional group instruction on culinary



613 techniques. For purposes of this paragraph, the definition of
614 cooking school shall not include schools or classes offered by
615 grocery stores, convenience stores or drugstores.

616 (w) "Campus" means property owned by a public school
617 district, community or junior college, college or university in
618 this state where educational courses are taught, school functions
619 are held, tests and examinations are administered or academic
620 course credits are awarded; however, the term shall not include
621 any "restaurant" or "hotel" that is located on property owned by a
622 community or junior college, college or university in this state,
623 and is operated by a third party who receives all revenue
624 generated from food and alcoholic beverage sales.

625 (x) "Native spirit" shall mean any beverage, produced
626 in Mississippi for sale, manufactured primarily by the
627 distillation of fermented grain, starch, molasses or sugar
628 produced in Mississippi, including dilutions and mixtures of these
629 beverages. In order to be classified as "native spirit" under the
630 provisions of this chapter, at least fifty-one percent (51%) of
631 the finished product by volume shall have been obtained from
632 distillation of fermented grain, starch, molasses or sugar grown
633 and produced in Mississippi.

634 (y) "Native distillery" shall mean any place or
635 establishment within this state where native spirit is produced in
636 whole or in part for sale.



637 **SECTION 2.** Section 67-1-16, Mississippi Code of 1972, is
638 amended as follows:

639 67-1-16. (1) (a) Before an area may be designated by the
640 governing authorities of a municipality as an area in which
641 facilities which are defined as qualified resort areas in Section
642 67-1-5(o)(iii)5 may be located, an election shall be held, under
643 the election laws applicable to the municipality, on the question
644 of whether qualified resort areas shall be allowed in the
645 municipality. An election to determine whether qualified resort
646 areas shall be allowed in the municipality shall be ordered by the
647 municipal governing authorities, upon presentation to the
648 governing authorities of a petition containing the names of at
649 least twenty percent (20%) of the duly qualified voters of the
650 municipality asking for the election. An election on the question
651 may not be held by the municipality more often than once each
652 year.

653 (b) Thirty (30) days' notice shall be given to the
654 qualified electors of the municipality, in the manner prescribed
655 by law, on the question of allowing qualified resort areas to be
656 established. The notice shall contain a statement of the question
657 to be voted on at the election. The ballots used in the election
658 shall have the following words printed thereon: "FOR THE
659 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST
660 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his



661 ballot, the voter shall make a cross (X) opposite the words of his
662 choice.

663 (c) Qualified resort areas may be established if a
664 majority of the qualified electors voting in the election vote for
665 such establishment. A qualified resort area may not be
666 established if a majority of the qualified electors voting in the
667 election vote against such establishment.

668 (2) (a) Before a municipality may be designated as a
669 qualified resort area as defined in Section 67-1-5(o)(iii)6, an
670 election shall be held, under the election laws applicable to the
671 municipality, on the question of whether the municipality shall be
672 a qualified resort area. An election to determine whether the
673 municipality shall be a qualified resort area shall be ordered by
674 the municipal governing authorities, upon presentation to the
675 governing authorities of a petition containing the names of at
676 least twenty percent (20%) of the duly qualified voters of the
677 municipality asking for the election. An election on the question
678 may not be held by the municipality more often than once each
679 year.

680 (b) Thirty (30) days' notice shall be given to the
681 qualified electors of the municipality, in the manner prescribed
682 by law, on the question of allowing qualified resort areas to be
683 established. The notice shall contain a statement of the question
684 to be voted on at the election. The ballots used in the election
685 shall have the following words printed thereon: "FOR THE



686 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
687 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
688 marking his ballot, the voter shall make a cross (X) opposite the
689 words of his choice.

690 (c) The municipality may be established as a qualified
691 resort area if a majority of the qualified electors voting in the
692 election vote for such establishment. A qualified resort area may
693 not be established if a majority of the qualified electors voting
694 in the election vote against such establishment.

695 (3) (a) Before an area may be designated a qualified resort
696 area as defined in Section 67-1-5(o)(iii)7, an election shall be
697 held in the municipality in which the area is located under the
698 election laws applicable to the municipality, on the question of
699 whether the area shall be a qualified resort area. An election to
700 determine whether the area shall be a qualified resort area shall
701 be ordered by the municipal governing authorities, upon
702 presentation to the governing authorities of a petition containing
703 the names of at least twenty percent (20%) of the duly qualified
704 voters of the municipality asking for the election. An election
705 on the question may not be held by the municipality more often
706 than once each year.

707 (b) Thirty (30) days' notice shall be given to the
708 qualified electors of the municipality, in the manner prescribed
709 by law, on the question of allowing qualified resort areas to be
710 established. The notice shall contain a statement of the question



711 to be voted on at the election. The ballots used in the election
712 shall have the following words printed thereon: "FOR THE
713 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
714 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
715 marking his ballot, the voter shall make a cross (X) opposite the
716 words of his choice.

717 (c) The area may be established as a qualified resort
718 area if a majority of the qualified electors voting in the
719 election vote for such establishment. A qualified resort area may
720 not be established if a majority of the qualified electors voting
721 in the election vote against such establishment.

722 (4) (a) Before a municipality may be designated as a
723 qualified resort area as defined in Section 67-1-5(o)(iii)21, an
724 election shall be held, under the election laws applicable to the
725 municipality, on the question of whether the municipality shall be
726 a qualified resort area. An election to determine whether the
727 municipality shall be a qualified resort area shall be ordered by
728 the municipal governing authorities. An election on the question
729 may not be held by the municipality more often than once each
730 year.

731 (b) Thirty (30) days' notice shall be given to the
732 qualified electors of the municipality, in the manner prescribed
733 by law, on the question of allowing qualified resort areas to be
734 established. The notice shall contain a statement of the question
735 to be voted on at the election. The ballots used in the election



736 shall have the following words printed thereon: "FOR THE
737 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
738 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
739 marking his ballot, the voter shall make a cross (X) opposite the
740 words of his choice.

741 (c) The municipality may be established as a qualified
742 resort area if a majority of the qualified electors voting in the
743 election vote for such establishment. A qualified resort area may
744 not be established if a majority of the qualified electors voting
745 in the election vote against such establishment.

746 (4) (a) Before a municipality may be designated as a
747 qualified resort area as defined in Section 67-1-5(o)(iii)35, an
748 election shall be held, under the election laws applicable to the
749 municipality, on the question of whether the municipality shall be
750 a qualified resort area. An election to determine whether the
751 municipality shall be a qualified resort area shall be ordered by
752 the municipal governing authorities. An election on the question
753 may not be held by the municipality more often than once each
754 year.

755 (b) Thirty (30) days' notice shall be given to the
756 qualified electors of the municipality, in the manner prescribed
757 by law, on the question of allowing qualified resort areas to be
758 established. The notice shall contain a statement of the question
759 to be voted on at the election. The ballots used in the election
760 shall have the following words printed thereon: "FOR THE



761 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,
762 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In
763 marking his ballot, the voter shall make a cross (X) opposite the
764 words of his choice.

765 (c) The municipality may be established as a qualified
766 resort area if a majority of the qualified electors voting in the
767 election vote for such establishment. A qualified resort area may
768 not be established if a majority of the qualified electors voting
769 in the election vote against such establishment.

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

