

By: Senator(s) McCaughn

To: Finance

SENATE BILL NO. 2063  
(As Passed the Senate)

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 INCLUDE A  
4 MUNICIPALITY IN WHICH MISSISSIPPI HIGHWAY 15 AND INTERSTATE 20  
5 INTERSECT; TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO  
6 REQUIRE AN ELECTION IN THE APPLICABLE MUNICIPALITY, WITH A  
7 MAJORITY VOTING IN FAVOR OF THE QUALIFIED RESORT AREA, BEFORE THE  
8 MUNICIPALITY MAY BE DESIGNATED A QUALIFIED RESORT AREA; AND FOR  
9 RELATED PURPOSES.

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

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

13 67-1-5. For the purposes of this chapter and unless  
14 otherwise required by the context:

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



22 distilled solely for fuel purposes or beer of an alcoholic content  
23 of more than eight percent (8%) by weight if the beer is legally  
24 manufactured in this state for sale in another state.

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

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

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

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

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

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



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

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

57 (j) "Division" means the Alcoholic Beverage Control  
58 Division of the Department of Revenue.

59 (k) "Municipality" means any incorporated city or town  
60 of this state.

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



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

77 (m) "Restaurant" means:

78 (i) A place which is regularly and in a bona fide  
79 manner used and kept open for the serving of meals to guests for  
80 compensation, which has suitable seating facilities for guests,  
81 and which has suitable kitchen facilities connected therewith for  
82 cooking an assortment of foods and meals commonly ordered at  
83 various hours of the day; the service of such food as sandwiches  
84 and salads only shall not be deemed in compliance with this  
85 requirement. Except as otherwise provided in this paragraph, no  
86 place shall qualify as a restaurant under this chapter unless  
87 twenty-five percent (25%) or more of the revenue derived from such  
88 place shall be from the preparation, cooking and serving of meals  
89 and not from the sale of beverages, or unless the value of food  
90 given to and consumed by customers is equal to twenty-five percent  
91 (25%) or more of total revenue; or

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



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

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

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

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

116 (iii) Maintained by its members through the  
117 payment of annual dues;

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



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

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

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

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



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

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



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

180                   (iii) The term includes:

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

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

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





196 that offers as a service hunts for a fee to overnight guests of  
197 the facility;

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

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

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

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

217                   8. a. Land that is located in any county in  
218 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
219 and:



220 A. Owned by the Pearl River Valley  
221 Water Supply District, and/or

222 B. Located within the Reservoir  
223 Community District, zoned commercial, east of Old Fannin Road,  
224 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
225 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
226 Drive and/or Lake Vista Place, and/or

227 C. Located within the Reservoir  
228 Community District, zoned commercial, west of Old Fannin Road,  
229 south of Spillway Road and extending to the boundary of the  
230 corporate limits of the City of Flowood, Mississippi;

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

234 A. Specify the hours of operation  
235 of facilities that offer alcoholic beverages for sale,

236 B. Specify the percentage of  
237 revenue that facilities that offer alcoholic beverages for sale  
238 must derive from the preparation, cooking and serving of meals and  
239 not from the sale of beverages, and

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

242 9. Any facility located on property that is a  
243 game reserve with restricted access that consists of at least  
244 eight hundred (800) contiguous acres with no public roads, that



245 offers as a service hunts for a fee to overnight guests of the  
246 facility, and has accommodations for at least fifty (50) overnight  
247 guests;

248 10. Any facility that:

249 a. Consists of at least six thousand  
250 (6,000) square feet being heated and cooled along with an  
251 additional adjacent area that consists of at least two thousand  
252 two hundred (2,200) square feet regardless of whether heated and  
253 cooled,

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

256 c. Provides lodging accommodations  
257 regardless of whether part of the facility and/or located adjacent  
258 to or in close proximity to the facility, and

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

261 11. Any facility and related property:

262 a. Located on property that consists of  
263 at least one hundred twenty-five (125) contiguous acres and  
264 consisting of an eighteen \* \* \*\_hole golf course, and/or located  
265 in a facility that consists of at least eight thousand (8,000)  
266 square feet being heated and cooled,

267 b. Used for the purpose of providing  
268 meals and hosting events, and



269 c. Used for the purpose of teaching  
270 culinary arts courses and/or turf management and grounds keeping  
271 courses, and/or outdoor recreation and leadership courses;

272 12. Any facility and related property that:

273 a. Consist of at least eight thousand  
274 (8,000) square feet being heated and cooled,

275 b. For a fee is used to host events,

276 c. Is used for the purpose of culinary  
277 arts courses, and/or live entertainment courses and art  
278 performances, and/or outdoor recreation and leadership courses;

279 13. The clubhouse and associated golf course  
280 where the golf course is adjacent to one or more residential  
281 developments and the golf course and all such developments  
282 collectively include at least two hundred (200) acres and at least  
283 one hundred fifty (150) residential units and are located a. in a  
284 county that has voted against coming out from under the dry law;  
285 and b. outside of but in close proximity to a municipality in such  
286 county which has voted under Section 67-1-14, after January 1,  
287 2013, to come out from under the dry law;

288 14. The clubhouse and associated  
289 eighteen \* \* \*\_hole golf course located in a municipality  
290 traversed by Interstate Highway 55 and U.S. Highway 51 that has  
291 voted to come out from under the dry law;

292 15. a. Land that is planned for mixed-use  
293 development and consists of at least two hundred (200) contiguous



294 acres with one or more planned residential developments  
295 collectively planned to include at least two hundred (200)  
296 residential units when completed, and also including a facility  
297 that consists of at least four thousand (4,000) square feet that  
298 is not part of such land but is located adjacent to or in close  
299 proximity thereto, and which land is located:

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

302                   B. Outside the corporate limits of  
303 any municipality in such county and adjacent to or in close  
304 proximity to a golf course located in a municipality in such  
305 county, and

306                   C. Within one (1) mile of a state  
307 institution of higher learning;

308                   b. The board of supervisors of such  
309 county may by resolution or other order:

310                   A. Specify the hours of operation  
311 of facilities that offer alcoholic beverages for sale,

312                   B. Specify the percentage of  
313 revenue that facilities that offer alcoholic beverages for sale  
314 must derive from the preparation, cooking and serving of meals and  
315 not from the sale of beverages, and

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



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

324                   17. One hundred five (105) contiguous acres,  
325 more or less, located in Hinds County, Mississippi, and in the  
326 City of Jackson, Mississippi, whereon are constructed a variety of  
327 buildings, improvements, grounds or objects for the purpose of  
328 holding events thereon to promote agricultural and industrial  
329 development in Mississippi;

330                   18. Land that is owned by a state institution  
331 of higher learning, and:

332                   a. Located entirely within a county that  
333 has elected by majority vote not to permit the transportation,  
334 storage, sale, distribution, receipt and/or manufacture of light  
335 wine and beer pursuant to Section 67-3-7, and

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

340           If any portion of the land described in this item 18 has been  
341 declared a qualified resort area by the department before July 1,



342 2020, then that qualified resort area shall be incorporated into  
343 the qualified resort area created by this item 18;

344 19. Any facility and related property:

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

350 b. Located in a county that has not  
351 voted to come out from under the dry law and outside of but in  
352 close proximity to a municipality located in such county and which  
353 municipality has voted to come out from under the dry law;

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

358 a. A county traversed by Interstate 55  
359 and Interstate 20, and

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

362 21. Any municipality with a population in  
363 excess of two thousand (2,000) according to the latest federal  
364 decennial census and in which is located a part of White's Creek  
365 Lake and in which U.S. Highway 82 intersects with Mississippi



366 Highway 9 and located in a county that is partially bordered on  
367 one (1) side by the Big Black River; \* \* \*

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

371                   23. Any tracts of land in Oktibbeha County,  
372 situated north of Bailey Howell Drive, Lee Boulevard and Old  
373 Mayhew Road, east of George Perry Street and south of Mississippi  
374 Highway 182, and not located on the property of a state  
375 institution of higher learning; however, the board of supervisors  
376 of such county may by resolution or other order:

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

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

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

385                   24. A municipality in which Mississippi  
386 Highway 27 and Mississippi Highway 28 intersect; \* \* \*

387                   25. A municipality through which run  
388 Mississippi Highway 35 and Interstate 20; \* \* \*

389                   26. A municipality in which Mississippi  
390 Highway 16 and Mississippi Highway 35 intersect; \* \* \*





391                   27. A municipality in which U.S. Highway 82  
392 and Old Highway 61 intersect; \* \* \*

393                   28. A municipality in which Mississippi  
394 Highway 8 meets Mississippi Highway 1; \* \* \*

395                   29. A municipality in which U.S. Highway 82  
396 and Mississippi Highway 1 intersect; \* \* \*

397                   30. A municipality in which Mississippi  
398 Highway 50 meets Mississippi Highway 9; \* \* \*

399                   31. An area bounded on the north by Pearl  
400 Street, on the east by West Street, on the south by Court Street  
401 and on the west by Farish Street, within a municipality bordered  
402 on the east by the Pearl River and through which run Interstate 20  
403 and Interstate 55; \* \* \*

404                   32. Any facility and related property that:

405                   a. Is contracted for mixed-use  
406 development improvements consisting of office and residential  
407 space and a restaurant and lounge, partially occupying the  
408 renovated space of a four-story commercial building which  
409 previously served as a financial institution; and adjacent  
410 property to the west consisting of a single-story office building  
411 that was originally occupied by the Brotherhood of Carpenters and  
412 Joiners of American Local Number 569; and

413                   b. Is situated on a tract of land  
414 consisting of approximately one and one-tenth (1.10) acres, and  
415 the adjacent property to the west consisting of approximately 0.5



416 acres, located in a municipality which is the seat of county  
417 government, situated south of Interstate 10, traversed by U.S.  
418 Highway 90, partially bordered on one (1) side by the Pascagoula  
419 River and having its most southern boundary bordered by the Gulf  
420 of Mexico, with a population greater than twenty-two thousand  
421 (22,000) according to the 2010 federal decennial census; however,  
422 the governing authorities of such a municipality may by ordinance:

423           A. Specify the hours of operation  
424 of facilities that offer alcoholic beverages for sale;

425           B. Specify the percentage of  
426 revenue that facilities that offer alcoholic beverages for sale  
427 must derive from the preparation, cooking and serving of meals and  
428 not from the sale of beverages; and

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

431           33. Any facility with a maximum capacity of  
432 one hundred twenty (120) people that consists of at least three  
433 thousand (3,000) square feet being heated and cooled, has a  
434 commercial kitchen, has a pavilion that consists of at least nine  
435 thousand (9,000) square feet and is located on land more  
436 particularly described as follows:

437           All that part of the East Half of the Northwest Quarter of  
438 Section 21, Township 7 South, Range 4 East, Union County,  
439 Mississippi, that lies South of Mississippi State Highway 348  
440 right-of-way and containing 19.48 acres, more or less.



441           ALSO,  
442           The Northeast 38 acres of the Southwest Quarter of Section  
443 21, Township 7 South, Range 4 East, Union County, Mississippi.

444           ALSO,  
445           The South 81 1/2 acres of the Southwest Quarter of Section  
446 21, Township 7 South, Range 4 East, Union County, Mississippi; and

447                           34. A municipality in which U.S. Highway 51  
448 and Mississippi Highway 16 intersect; \* \* \*

449                           35. A municipality in which Mississippi  
450 Highway 15 and Interstate 20 intersect.

451           The status of these municipalities, districts, clubhouses,  
452 facilities, golf courses and areas described in \* \* \* this  
453 paragraph (o)(iii) \* \* \* as qualified resort areas does not  
454 require any declaration of same by the department.

455           The governing authorities of a municipality described, in  
456 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
457 34 or 35 of this paragraph (o)(iii) may by ordinance: specify the  
458 hours of operation of facilities offering alcoholic beverages for  
459 sale; specify the percentage of revenue that facilities offering  
460 alcoholic beverages for sale must derive from the preparation,  
461 cooking and serving of meals and not from the sale of beverages;  
462 and designate the areas in which facilities offering alcoholic  
463 beverages for sale may be located.

464           (p) "Native wine" means any product, produced in  
465 Mississippi for sale, having an alcohol content not to exceed



466 twenty-one percent (21%) by weight and made in accordance with  
467 revenue laws of the United States, which shall be obtained  
468 primarily from the alcoholic fermentation of the juice of ripe  
469 grapes, fruits, berries, honey or vegetables grown and produced in  
470 Mississippi; provided that bulk, concentrated or fortified wines  
471 used for blending may be produced without this state and used in  
472 producing native wines. The department shall adopt and promulgate  
473 rules and regulations to permit a producer to import such bulk  
474 and/or fortified wines into this state for use in blending with  
475 native wines without payment of any excise tax that would  
476 otherwise accrue thereon.

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

480 (r) "Bed and breakfast inn" means an establishment  
481 within a municipality where in consideration of payment, breakfast  
482 and lodging are habitually furnished to travelers and wherein are  
483 located not less than eight (8) and not more than nineteen (19)  
484 adequately furnished and completely separate sleeping rooms with  
485 adequate facilities, that persons usually apply for and receive as  
486 overnight accommodations; however, such restriction on the minimum  
487 number of sleeping rooms shall not apply to establishments on the  
488 National Register of Historic Places. No place shall qualify as a  
489 bed and breakfast inn under this chapter unless on the date of the  
490 initial application for a license under this chapter more than



491 fifty percent (50%) of the sleeping rooms are located in a  
492 structure formerly used as a residence.

493 (s) "Board" shall refer to the Board of Tax Appeals of  
494 the State of Mississippi.

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

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

504 (v) "Cooking school" means an establishment within a  
505 municipality or qualified resort area and owned by a nationally  
506 recognized company that offers an established culinary education  
507 curriculum and program where, in consideration of payment, patrons  
508 are given scheduled professional group instruction on culinary  
509 techniques. For purposes of this paragraph, the definition of  
510 cooking school shall not include schools or classes offered by  
511 grocery stores, convenience stores or drugstores.

512 (w) "Campus" means property owned by a public school  
513 district, community or junior college, college or university in  
514 this state where educational courses are taught, school functions  
515 are held, tests and examinations are administered or academic



516 course credits are awarded; however, the term shall not include  
517 any "restaurant" or "hotel" that is located on property owned by a  
518 community or junior college, college or university in this state,  
519 and is operated by a third party who receives all revenue  
520 generated from food and alcoholic beverage sales.

521 (x) "Native spirit" shall mean any beverage, produced  
522 in Mississippi for sale, manufactured primarily by the  
523 distillation of fermented grain, starch, molasses or sugar  
524 produced in Mississippi, including dilutions and mixtures of these  
525 beverages. In order to be classified as "native spirit" under the  
526 provisions of this chapter, at least fifty-one percent (51%) of  
527 the finished product by volume shall have been obtained from  
528 distillation of fermented grain, starch, molasses or sugar grown  
529 and produced in Mississippi.

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

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

535 67-1-16. (1) (a) Before an area may be designated by the  
536 governing authorities of a municipality as an area in which  
537 facilities which are defined as qualified resort areas in Section  
538 67-1-5(o)(iii)5 may be located, an election shall be held, under  
539 the election laws applicable to the municipality, on the question  
540 of whether qualified resort areas shall be allowed in the



541 municipality. An election to determine whether qualified resort  
542 areas shall be allowed in the municipality shall be ordered by the  
543 municipal governing authorities, upon presentation to the  
544 governing authorities of a petition containing the names of at  
545 least twenty percent (20%) of the duly qualified voters of the  
546 municipality asking for the election. An election on the question  
547 may not be held by the municipality more often than once each  
548 year.

549 (b) Thirty (30) days' notice shall be given to the  
550 qualified electors of the municipality, in the manner prescribed  
551 by law, on the question of allowing qualified resort areas to be  
552 established. The notice shall contain a statement of the question  
553 to be voted on at the election. The ballots used in the election  
554 shall have the following words printed thereon: "FOR THE  
555 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
556 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
557 ballot, the voter shall make a cross (X) opposite the words of his  
558 choice.

559 (c) Qualified resort areas may be established if a  
560 majority of the qualified electors voting in the election vote for  
561 such establishment. A qualified resort area may not be  
562 established if a majority of the qualified electors voting in the  
563 election vote against such establishment.

564 (2) (a) Before a municipality may be designated as a  
565 qualified resort area as defined in Section 67-1-5(o)(iii)6, an



566 election shall be held, under the election laws applicable to the  
567 municipality, on the question of whether the municipality shall be  
568 a qualified resort area. An election to determine whether the  
569 municipality shall be a qualified resort area shall be ordered by  
570 the municipal governing authorities, upon presentation to the  
571 governing authorities of a petition containing the names of at  
572 least twenty percent (20%) of the duly qualified voters of the  
573 municipality asking for the election. An election on the question  
574 may not be held by the municipality more often than once each  
575 year.

576 (b) Thirty (30) days' notice shall be given to the  
577 qualified electors of the municipality, in the manner prescribed  
578 by law, on the question of allowing qualified resort areas to be  
579 established. The notice shall contain a statement of the question  
580 to be voted on at the election. The ballots used in the election  
581 shall have the following words printed thereon: "FOR THE  
582 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
583 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
584 marking his ballot, the voter shall make a cross (X) opposite the  
585 words of his choice.

586 (c) The municipality may be established as a qualified  
587 resort area if a majority of the qualified electors voting in the  
588 election vote for such establishment. A qualified resort area may  
589 not be established if a majority of the qualified electors voting  
590 in the election vote against such establishment.





591 (3) (a) Before an area may be designated a qualified resort  
592 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
593 held in the municipality in which the area is located under the  
594 election laws applicable to the municipality, on the question of  
595 whether the area shall be a qualified resort area. An election to  
596 determine whether the area shall be a qualified resort area shall  
597 be ordered by the municipal governing authorities, upon  
598 presentation to the governing authorities of a petition containing  
599 the names of at least twenty percent (20%) of the duly qualified  
600 voters of the municipality asking for the election. An election  
601 on the question may not be held by the municipality more often  
602 than once each year.

603 (b) Thirty (30) days' notice shall be given to the  
604 qualified electors of the municipality, in the manner prescribed  
605 by law, on the question of allowing qualified resort areas to be  
606 established. The notice shall contain a statement of the question  
607 to be voted on at the election. The ballots used in the election  
608 shall have the following words printed thereon: "FOR THE  
609 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
610 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
611 marking his ballot, the voter shall make a cross (X) opposite the  
612 words of his choice.

613 (c) The area may be established as a qualified resort  
614 area if a majority of the qualified electors voting in the  
615 election vote for such establishment. A qualified resort area may



616 not be established if a majority of the qualified electors voting  
617 in the election vote against such establishment.

618 (4) (a) Before a municipality may be designated as a  
619 qualified resort area as defined in Section 67-1-5(o)(iii)21 or  
620 67-1-5(o)(iii)35, an election shall be held, under the election  
621 laws applicable to the municipality, on the question of whether  
622 the municipality shall be a qualified resort area. An election to  
623 determine whether the municipality shall be a qualified resort  
624 area shall be ordered by the municipal governing authorities. An  
625 election on the question may not be held by the municipality more  
626 often than once each year.

627 (b) Thirty (30) days' notice shall be given to the  
628 qualified electors of the municipality, in the manner prescribed  
629 by law, on the question of allowing qualified resort areas to be  
630 established. The notice shall contain a statement of the question  
631 to be voted on at the election. The ballots used in the election  
632 shall have the following words printed thereon: "FOR THE  
633 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
634 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
635 marking his ballot, the voter shall make a cross (X) opposite the  
636 words of his choice.

637 (c) The municipality may be established as a qualified  
638 resort area if a majority of the qualified electors voting in the  
639 election vote for such establishment. A qualified resort area may



640 not be established if a majority of the qualified electors voting  
641 in the election vote against such establishment.

642         **SECTION 3.** This act shall take effect and be in force from  
643 and after July 1, 2022, and shall stand repealed on June 30, 2022.

