

By: Senator(s) Kirby, Caughman

To: Finance

SENATE BILL NO. 2199

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 BORDERED ON ITS NORTHWESTERN BOUNDARY BY THE PEARL  
 5 RIVER, TRAVERSED BY U.S. HIGHWAY 49 AND INTERSTATE 20, AND LOCATED  
 6 IN A COUNTY THAT HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY  
 7 LAW; TO PROVIDE THAT THE GOVERNING AUTHORITIES OF SUCH A  
 8 MUNICIPALITY MAY BY ORDINANCE SPECIFY THE HOURS OF OPERATION OF  
 9 FACILITIES OFFERING ALCOHOLIC BEVERAGES FOR SALE, SPECIFY THE  
 10 PERCENTAGE OF REVENUE THAT FACILITIES OFFERING ALCOHOLIC BEVERAGES  
 11 FOR SALE MUST DERIVE FROM THE PREPARATION, COOKING AND SERVING OF  
 12 MEALS AND NOT FROM THE SALE OF BEVERAGES, AND DESIGNATE THE AREAS  
 13 IN WHICH FACILITIES OFFERING ALCOHOLIC BEVERAGES FOR SALE MAY BE  
 14 LOCATED; TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO  
 15 REQUIRE AN ELECTION IN THE APPLICABLE MUNICIPALITY, WITH A  
 16 MAJORITY VOTING IN FAVOR OF THE QUALIFIED RESORT AREA, BEFORE THE  
 17 MUNICIPALITY MAY BE DESIGNATED A QUALIFIED RESORT AREA; AND FOR  
 18 RELATED PURPOSES.

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

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

22 67-1-5. For the purposes of this chapter and unless  
 23 otherwise required by the context:

24 (a) "Alcoholic beverage" means any alcoholic liquid,  
 25 including wines of more than five percent (5%) of alcohol by  
 26 weight, capable of being consumed as a beverage by a human being,



27 but shall not include light wine, light spirit product and beer,  
28 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
29 include native wines and native spirits. The words "alcoholic  
30 beverage" shall not include ethyl alcohol manufactured or  
31 distilled solely for fuel purposes or beer of an alcoholic content  
32 of more than eight percent (8%) by weight if the beer is legally  
33 manufactured in this state for sale in another state.

34 (b) "Alcohol" means the product of distillation of any  
35 fermented liquid, whatever the origin thereof, and includes  
36 synthetic ethyl alcohol, but does not include denatured alcohol or  
37 wood alcohol.

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

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

46 (e) "Person" means and includes any individual,  
47 partnership, corporation, association or other legal entity  
48 whatsoever.

49 (f) "Manufacturer" means any person engaged in  
50 manufacturing, distilling, rectifying, blending or bottling any  
51 alcoholic beverage.



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

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

59 (i) "State Tax Commission," "commission" or  
60 "department" means the Department of Revenue of the State of  
61 Mississippi, which shall create a division in its organization to  
62 be known as the Alcoholic Beverage Control Division. Any  
63 reference to the commission or the department hereafter means the  
64 powers and duties of the Department of Revenue with reference to  
65 supervision of the Alcoholic Beverage Control Division.

66 (j) "Division" means the Alcoholic Beverage Control  
67 Division of the Department of Revenue.

68 (k) "Municipality" means any incorporated city or town  
69 of this state.

70 (l) "Hotel" means an establishment within a  
71 municipality, or within a qualified resort area approved as such  
72 by the department, where, in consideration of payment, food and  
73 lodging are habitually furnished to travelers and wherein are  
74 located at least twenty (20) adequately furnished and completely  
75 separate sleeping rooms with adequate facilities that persons  
76 usually apply for and receive as overnight accommodations. Hotels



77 in towns or cities of more than twenty-five thousand (25,000)  
78 population are similarly defined except that they must have fifty  
79 (50) or more sleeping rooms. Any such establishment described in  
80 this paragraph with less than fifty (50) beds shall operate one or  
81 more regular dining rooms designed to be constantly frequented by  
82 customers each day. When used in this chapter, the word "hotel"  
83 shall also be construed to include any establishment that meets  
84 the definition of "bed and breakfast inn" as provided in this  
85 section.

86 (m) "Restaurant" means:

87 (i) A place which is regularly and in a bona fide  
88 manner used and kept open for the serving of meals to guests for  
89 compensation, which has suitable seating facilities for guests,  
90 and which has suitable kitchen facilities connected therewith for  
91 cooking an assortment of foods and meals commonly ordered at  
92 various hours of the day; the service of such food as sandwiches  
93 and salads only shall not be deemed in compliance with this  
94 requirement. Except as otherwise provided in this paragraph, no  
95 place shall qualify as a restaurant under this chapter unless  
96 twenty-five percent (25%) or more of the revenue derived from such  
97 place shall be from the preparation, cooking and serving of meals  
98 and not from the sale of beverages, or unless the value of food  
99 given to and consumed by customers is equal to twenty-five percent  
100 (25%) or more of total revenue; or



101                   (ii) Any privately owned business located in a  
102 building in a historic district where the district is listed in  
103 the National Register of Historic Places, where the building has a  
104 total occupancy rating of not less than one thousand (1,000) and  
105 where the business regularly utilizes ten thousand (10,000) square  
106 feet or more in the building for live entertainment, including not  
107 only the stage, lobby or area where the audience sits and/or  
108 stands, but also any other portion of the building necessary for  
109 the operation of the business, including any kitchen area, bar  
110 area, storage area and office space, but excluding any area for  
111 parking. In addition to the other requirements of this  
112 subparagraph, the business must also serve food to guests for  
113 compensation within the building and derive the majority of its  
114 revenue from event-related fees, including, but not limited to,  
115 admission fees or ticket sales to live entertainment in the  
116 building, and from the rental of all or part of the facilities of  
117 the business in the building to another party for a specific event  
118 or function.

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

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

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



125 (iii) Maintained by its members through the  
126 payment of annual dues;

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

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

135 (vi) No member, officer, agent or employee of  
136 which is paid, or directly or indirectly receives, in the form of  
137 a salary or other compensation any profit from the distribution or  
138 sale of alcoholic beverages to the club or to members or guests of  
139 the club beyond such salary or compensation as may be fixed and  
140 voted at a proper meeting by the board of directors or other  
141 governing body out of the general revenues of the club.

142 The department may, in its discretion, waive the five-year  
143 provision of this paragraph. In order to qualify under this  
144 paragraph, a club must file with the department, at the time of  
145 its application for a license under this chapter, two (2) copies  
146 of a list of the names and residences of its members and similarly  
147 file, within ten (10) days after the election of any additional  
148 member, his name and address. Each club applying for a license  
149 shall also file with the department at the time of the application



150 a copy of its articles of association, charter of incorporation,  
151 bylaws or other instruments governing the business and affairs  
152 thereof.

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



174 (i) The department may approve an area or locality  
175 outside of the limits of an incorporated municipality that is in  
176 the process of being developed as a qualified resort area if such  
177 area or locality, when developed, can reasonably be expected to  
178 meet the requisites of the definition of the term "qualified  
179 resort area." In such a case, the status of qualified resort area  
180 shall not take effect until completion of the development.

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

189 (iii) The term includes:

190 1. The clubhouses associated with the state  
191 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
192 State Park, the Percy Quin State Park and the Hugh White State  
193 Park;

194 2. The clubhouse and associated golf course,  
195 tennis courts and related facilities and swimming pool and related  
196 facilities where the golf course, tennis courts and related  
197 facilities and swimming pool and related facilities are adjacent  
198 to one or more planned residential developments and the golf





199 course and all such developments collectively include at least  
200 seven hundred fifty (750) acres and at least four hundred (400)  
201 residential units;

202                   3. Any facility located on property that is a  
203 game reserve with restricted access that consists of at least  
204 three thousand (3,000) contiguous acres with no public roads and  
205 that offers as a service hunts for a fee to overnight guests of  
206 the facility;

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

211                   5. Any facility that is located in a  
212 municipality that is bordered by the Pearl River, traversed by  
213 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
214 International Airport and is located in a county which has voted  
215 against coming out from under the dry law; however, any such  
216 facility may only be located in areas designated by the governing  
217 authorities of such municipality;

218                   6. Any municipality with a population in  
219 excess of ten thousand (10,000) according to the latest federal  
220 decennial census that is located in a county that is bordered by  
221 the Pearl River and is not traversed by Interstate Highway 20,  
222 with a population in excess of forty-five thousand (45,000)  
223 according to the latest federal decennial census; \* \* \*



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

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

229                           A. Owned by the Pearl River Valley  
230 Water Supply District, and/or

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

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

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

243                                   A. Specify the hours of operation  
244 of facilities that offer alcoholic beverages for sale,

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



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

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

257 10. Any facility that:

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

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

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

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

270 11. Any facility and related property:

271 a. Located on property that consists of  
272 at least one hundred twenty-five (125) contiguous acres and  
273 consisting of an eighteen (18) hole golf course, and/or located in



274 a facility that consists of at least eight thousand (8,000) square  
275 feet being heated and cooled,

276                               b. Used for the purpose of providing  
277 meals and hosting events, and

278                               c. Used for the purpose of teaching  
279 culinary arts courses and/or turf management and grounds keeping  
280 courses, and/or outdoor recreation and leadership courses;

281                           12. Any facility and related property that:

282                               a. Consist of at least eight thousand  
283 (8,000) square feet being heated and cooled,

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

285                               c. Is used for the purpose of culinary  
286 arts courses, and/or live entertainment courses and art  
287 performances, and/or outdoor recreation and leadership courses;

288                           13. The clubhouse and associated golf course

289 where the golf course is adjacent to one or more residential

290 developments and the golf course and all such developments

291 collectively include at least two hundred (200) acres and at least

292 one hundred fifty (150) residential units and are located a. in a

293 county that has voted against coming out from under the dry law;

294 and b. outside of but in close proximity to a municipality in such

295 county which has voted under Section 67-1-14, after January 1,

296 2013, to come out from under the dry law;

297                           14. The clubhouse and associated eighteen

298 (18) hole golf course located in a municipality traversed by



299 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
300 out from under the dry law;

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

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

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

315                                   C. Within one (1) mile of a state  
316 institution of higher learning;

317                                   b. The board of supervisors of such  
318 county may by resolution or other order:

319   A. Specify the hours of operation  
320 of facilities that offer alcoholic beverages for sale,

321   B. Specify the percentage of  
322 revenue that facilities that offer alcoholic beverages for sale



323 must derive from the preparation, cooking and serving of meals and  
324 not from the sale of beverages, and

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

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

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

339 18. Land that is owned by a state institution  
340 of higher learning and:

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

345 b. Adjacent to but outside the  
346 incorporated limits of a municipality that has elected by majority



347 vote to permit the sale, receipt, storage and transportation of  
348 light wine and beer pursuant to Section 67-3-9.

349 If any portion of the land described in this item 18 has been  
350 declared a qualified resort area by the department before July 1,  
351 2020, then that qualified resort area shall be incorporated into  
352 the qualified resort area created by this item 18;

353 19. Any facility and related property:

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

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

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

367 a. A county traversed by Interstate 55  
368 and Interstate 20, and

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



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

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

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

386                   a. Specify the hours of operation of  
387 facilities that offer alcoholic beverages for sale;

388                   b. Specify the percentage of revenue  
389 that facilities that offer alcoholic beverages for sale must  
390 derive from the preparation, cooking and serving of meals and not  
391 from the sale of beverages; and

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

394                   24. A municipality in which Mississippi  
395 Highway 27 and Mississippi Highway 28 intersect; \* \* \*





396                   25. A municipality through which run  
397 Mississippi Highway 35 and Interstate 20; \* \* \*  
398                   26. A municipality in which Mississippi  
399 Highway 16 and Mississippi Highway 35 intersect; \* \* \*  
400                   27. A municipality in which U.S. Highway 82  
401 and Old Highway 61 intersect; \* \* \*  
402                   28. A municipality in which Mississippi  
403 Highway 8 meets Mississippi Highway 1; \* \* \*  
404                   29. A municipality in which U.S. Highway 82  
405 and Mississippi Highway 1 intersect; \* \* \*  
406                   30. A municipality in which Mississippi  
407 Highway 50 meets Mississippi Highway 9; \* \* \*  
408                   31. An area bounded on the north by Pearl  
409 Street, on the east by West Street, on the south by Court Street  
410 and on the west by Farish Street, within a municipality bordered  
411 on the east by the Pearl River and through which run Interstate 20  
412 and Interstate 55; \* \* \*  
413                   32. Any facility and related property that:  
414                   a. Is contracted for mixed-use  
415 development improvements consisting of office and residential  
416 space and a restaurant and lounge, partially occupying the  
417 renovated space of a four-story commercial building which  
418 previously served as a financial institution; and adjacent  
419 property to the west consisting of a single-story office building



420 that was originally occupied by the Brotherhood of Carpenters and  
421 Joiners of American Local Number 569; and

422                   b. Is situated on a tract of land  
423 consisting of approximately one and one-tenth (1.10) acres, and  
424 the adjacent property to the west consisting of approximately 0.5  
425 acres, located in a municipality which is the seat of county  
426 government, situated south of Interstate 10, traversed by U.S.  
427 Highway 90, partially bordered on one (1) side by the Pascagoula  
428 River and having its most southern boundary bordered by the Gulf  
429 of Mexico, with a population greater than twenty-two thousand  
430 (22,000) according to the 2010 federal decennial census; however,  
431 the governing authorities of such a municipality may by ordinance:

432                   A. Specify the hours of operation  
433 of facilities that offer alcoholic beverages for sale;

434                   B. Specify the percentage of  
435 revenue that facilities that offer alcoholic beverages for sale  
436 must derive from the preparation, cooking and serving of meals and  
437 not from the sale of beverages; and

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

440                   33. Any facility with a maximum capacity of  
441 one hundred twenty (120) people that consists of at least three  
442 thousand (3,000) square feet being heated and cooled, has a  
443 commercial kitchen, has a pavilion that consists of at least nine



444 thousand (9,000) square feet and is located on land more  
445 particularly described as follows:  
446 All that part of the East Half of the Northwest Quarter of Section  
447 21, Township 7 South, Range 4 East, Union County, Mississippi,  
448 that lies South of Mississippi State Highway 348 right-of-way and  
449 containing 19.48 acres, more or less.

450 ALSO,

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

453 ALSO,

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

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

458 35. A municipality bordered on its  
459 northwestern boundary by the Pearl River, traversed by U.S.  
460 Highway 49 and Interstate 20, and located in a county that has  
461 voted against coming out from under the dry law.

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

466 The governing authorities of a municipality described, in  
467 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
468 34 or 35 of this paragraph (o)(iii) may by ordinance: specify the



469 hours of operation of facilities offering alcoholic beverages for  
470 sale; specify the percentage of revenue that facilities offering  
471 alcoholic beverages for sale must derive from the preparation,  
472 cooking and serving of meals and not from the sale of beverages;  
473 and designate the areas in which facilities offering alcoholic  
474 beverages for sale may be located.

475           (p) "Native wine" means any product, produced in  
476 Mississippi for sale, having an alcohol content not to exceed  
477 twenty-one percent (21%) by weight and made in accordance with  
478 revenue laws of the United States, which shall be obtained  
479 primarily from the alcoholic fermentation of the juice of ripe  
480 grapes, fruits, berries, honey or vegetables grown and produced in  
481 Mississippi; provided that bulk, concentrated or fortified wines  
482 used for blending may be produced without this state and used in  
483 producing native wines. The department shall adopt and promulgate  
484 rules and regulations to permit a producer to import such bulk  
485 and/or fortified wines into this state for use in blending with  
486 native wines without payment of any excise tax that would  
487 otherwise accrue thereon.

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

491           (r) "Bed and breakfast inn" means an establishment  
492 within a municipality where in consideration of payment, breakfast  
493 and lodging are habitually furnished to travelers and wherein are



494 located not less than eight (8) and not more than nineteen (19)  
495 adequately furnished and completely separate sleeping rooms with  
496 adequate facilities, that persons usually apply for and receive as  
497 overnight accommodations; however, such restriction on the minimum  
498 number of sleeping rooms shall not apply to establishments on the  
499 National Register of Historic Places. No place shall qualify as a  
500 bed and breakfast inn under this chapter unless on the date of the  
501 initial application for a license under this chapter more than  
502 fifty percent (50%) of the sleeping rooms are located in a  
503 structure formerly used as a residence.

504 (s) "Board" shall refer to the Board of Tax Appeals of  
505 the State of Mississippi.

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

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

515 (v) "Cooking school" means an establishment within a  
516 municipality or qualified resort area and owned by a nationally  
517 recognized company that offers an established culinary education  
518 curriculum and program where, in consideration of payment, patrons



519 are given scheduled professional group instruction on culinary  
520 techniques. For purposes of this paragraph, the definition of  
521 cooking school shall not include schools or classes offered by  
522 grocery stores, convenience stores or drugstores.

523 (w) "Campus" means property owned by a public school  
524 district, community or junior college, college or university in  
525 this state where educational courses are taught, school functions  
526 are held, tests and examinations are administered or academic  
527 course credits are awarded; however, the term shall not include  
528 any "restaurant" or "hotel" that is located on property owned by a  
529 community or junior college, college or university in this state,  
530 and is operated by a third party who receives all revenue  
531 generated from food and alcoholic beverage sales.

532 (x) "Native spirit" shall mean any beverage, produced  
533 in Mississippi for sale, manufactured primarily by the  
534 distillation of fermented grain, starch, molasses or sugar  
535 produced in Mississippi, including dilutions and mixtures of these  
536 beverages. In order to be classified as "native spirit" under the  
537 provisions of this chapter, at least fifty-one percent (51%) of  
538 the finished product by volume shall have been obtained from  
539 distillation of fermented grain, starch, molasses or sugar grown  
540 and produced in Mississippi.

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



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

546           67-1-16. (1) (a) Before an area may be designated by the  
547 governing authorities of a municipality as an area in which  
548 facilities which are defined as qualified resort areas in Section  
549 67-1-5(o)(iii)5 may be located, an election shall be held, under  
550 the election laws applicable to the municipality, on the question  
551 of whether qualified resort areas shall be allowed in the  
552 municipality. An election to determine whether qualified resort  
553 areas shall be allowed in the municipality shall be ordered by the  
554 municipal governing authorities, upon presentation to the  
555 governing authorities of a petition containing the names of at  
556 least twenty percent (20%) of the duly qualified voters of the  
557 municipality asking for the election. An election on the question  
558 may not be held by the municipality more often than once each  
559 year.

560           (b) Thirty (30) days' notice shall be given to the  
561 qualified electors of the municipality, in the manner prescribed  
562 by law, on the question of allowing qualified resort areas to be  
563 established. The notice shall contain a statement of the question  
564 to be voted on at the election. The ballots used in the election  
565 shall have the following words printed thereon: "FOR THE  
566 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
567 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his



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

570 (c) Qualified resort areas may be established if a  
571 majority of the qualified electors voting in the election vote for  
572 such establishment. A qualified resort area may not be  
573 established if a majority of the qualified electors voting in the  
574 election vote against such establishment.

575 (2) (a) Before a municipality may be designated as a  
576 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
577 election shall be held, under the election laws applicable to the  
578 municipality, on the question of whether the municipality shall be  
579 a qualified resort area. An election to determine whether the  
580 municipality shall be a qualified resort area shall be ordered by  
581 the municipal governing authorities, upon presentation to the  
582 governing authorities of a petition containing the names of at  
583 least twenty percent (20%) of the duly qualified voters of the  
584 municipality asking for the election. An election on the question  
585 may not be held by the municipality more often than once each  
586 year.

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





593 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
594 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
595 marking his ballot, the voter shall make a cross (X) opposite the  
596 words of his choice.

597 (c) The municipality may be established as a qualified  
598 resort area if a majority of the qualified electors voting in the  
599 election vote for such establishment. A qualified resort area may  
600 not be established if a majority of the qualified electors voting  
601 in the election vote against such establishment.

602 (3) (a) Before an area may be designated a qualified resort  
603 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
604 held in the municipality in which the area is located under the  
605 election laws applicable to the municipality, on the question of  
606 whether the area shall be a qualified resort area. An election to  
607 determine whether the area shall be a qualified resort area shall  
608 be ordered by the municipal governing authorities, upon  
609 presentation to the governing authorities of a petition containing  
610 the names of at least twenty percent (20%) of the duly qualified  
611 voters of the municipality asking for the election. An election  
612 on the question may not be held by the municipality more often  
613 than once each year.

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



618 to be voted on at the election. The ballots used in the election  
619 shall have the following words printed thereon: "FOR THE  
620 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
621 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
622 marking his ballot, the voter shall make a cross (X) opposite the  
623 words of his choice.

624 (c) The area may be established as a qualified resort  
625 area if a majority of the qualified electors voting in the  
626 election vote for such establishment. A qualified resort area may  
627 not be established if a majority of the qualified electors voting  
628 in the election vote against such establishment.

629 (4) (a) Before a municipality may be designated as a  
630 qualified resort area as defined in Section 67-1-5(o)(iii)21 or  
631 67-1-5(o)(iii)35, an election shall be held, under the election  
632 laws applicable to the municipality, on the question of whether  
633 the municipality shall be a qualified resort area. An election to  
634 determine whether the municipality shall be a qualified resort  
635 area shall be ordered by the municipal governing authorities. An  
636 election on the question may not be held by the municipality more  
637 often than once each year.

638 (b) Thirty (30) days' notice shall be given to the  
639 qualified electors of the municipality, in the manner prescribed  
640 by law, on the question of allowing qualified resort areas to be  
641 established. The notice shall contain a statement of the question  
642 to be voted on at the election. The ballots used in the election



643 shall have the following words printed thereon: "FOR THE  
644 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
645 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
646 marking his ballot, the voter shall make a cross (X) opposite the  
647 words of his choice.

648 (c) The municipality may be established as a qualified  
649 resort area if a majority of the qualified electors voting in the  
650 election vote for such establishment. A qualified resort area may  
651 not be established if a majority of the qualified electors voting  
652 in the election vote against such establishment.

653 **SECTION 3.** This act shall take effect and be in force from  
654 and after its passage.

