

## House Amendments to Senate Bill No. 2063

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

15           67-1-5. For the purposes of this chapter and unless  
16 otherwise required by the context:

17           (a) "Alcoholic beverage" means any alcoholic liquid,  
18 including wines of more than five percent (5%) of alcohol by  
19 weight, capable of being consumed as a beverage by a human being,  
20 but shall not include light wine, light spirit product and beer,  
21 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
22 include native wines and native spirits. The words "alcoholic  
23 beverage" shall not include ethyl alcohol manufactured or  
24 distilled solely for fuel purposes or beer of an alcoholic content  
25 of more than eight percent (8%) by weight if the beer is legally  
26 manufactured in this state for sale in another state.

27           (b) "Alcohol" means the product of distillation of any  
28 fermented liquid, whatever the origin thereof, and includes

29 synthetic ethyl alcohol, but does not include denatured alcohol or  
30 wood alcohol.

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

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

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

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

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

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

52 (i) "State Tax Commission," "commission" or  
53 "department" means the Department of Revenue of the State of  
54 Mississippi, which shall create a division in its organization to

55 be known as the Alcoholic Beverage Control Division. Any  
56 reference to the commission or the department hereafter means the  
57 powers and duties of the Department of Revenue with reference to  
58 supervision of the Alcoholic Beverage Control Division.

59 (j) "Division" means the Alcoholic Beverage Control  
60 Division of the Department of Revenue.

61 (k) "Municipality" means any incorporated city or town  
62 of this state.

63 (l) "Hotel" means an establishment within a  
64 municipality, or within a qualified resort area approved as such  
65 by the department, where, in consideration of payment, food and  
66 lodging are habitually furnished to travelers and wherein are  
67 located at least twenty (20) adequately furnished and completely  
68 separate sleeping rooms with adequate facilities that persons  
69 usually apply for and receive as overnight accommodations. Hotels  
70 in towns or cities of more than twenty-five thousand (25,000)  
71 population are similarly defined except that they must have fifty  
72 (50) or more sleeping rooms. Any such establishment described in  
73 this paragraph with less than fifty (50) beds shall operate one or  
74 more regular dining rooms designed to be constantly frequented by  
75 customers each day. When used in this chapter, the word "hotel"  
76 shall also be construed to include any establishment that meets  
77 the definition of "bed and breakfast inn" as provided in this  
78 section.

79 (m) "Restaurant" means:

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

94                   (ii) Any privately owned business located in a  
95 building in a historic district where the district is listed in  
96 the National Register of Historic Places, where the building has a  
97 total occupancy rating of not less than one thousand (1,000) and  
98 where the business regularly utilizes ten thousand (10,000) square  
99 feet or more in the building for live entertainment, including not  
100 only the stage, lobby or area where the audience sits and/or  
101 stands, but also any other portion of the building necessary for  
102 the operation of the business, including any kitchen area, bar  
103 area, storage area and office space, but excluding any area for  
104 parking. In addition to the other requirements of this  
105 subparagraph, the business must also serve food to guests for

106 compensation within the building and derive the majority of its  
107 revenue from event-related fees, including, but not limited to,  
108 admission fees or ticket sales to live entertainment in the  
109 building, and from the rental of all or part of the facilities of  
110 the business in the building to another party for a specific event  
111 or function.

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

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

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

118 (iii) Maintained by its members through the  
119 payment of annual dues;

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

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

128 (vi) No member, officer, agent or employee of  
129 which is paid, or directly or indirectly receives, in the form of  
130 a salary or other compensation any profit from the distribution or  
131 sale of alcoholic beverages to the club or to members or guests of

132 the club beyond such salary or compensation as may be fixed and  
133 voted at a proper meeting by the board of directors or other  
134 governing body out of the general revenues of the club.

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

146 (o) "Qualified resort area" means any area or locality  
147 outside of the limits of incorporated municipalities in this state  
148 commonly known and accepted as a place which regularly and  
149 customarily attracts tourists, vacationists and other transients  
150 because of its historical, scenic or recreational facilities or  
151 attractions, or because of other attributes which regularly and  
152 customarily appeal to and attract tourists, vacationists and other  
153 transients in substantial numbers; however, no area or locality  
154 shall so qualify as a resort area until it has been duly and  
155 properly approved as such by the department. The department may  
156 not approve an area as a qualified resort area after July 1, 2018,  
157 if any portion of such proposed area is located within two (2)

158 miles of a convent or monastery that is located in a county  
159 traversed by Interstate 55 and U.S. Highway 98. A convent or  
160 monastery may waive such distance restrictions in favor of  
161 allowing approval by the department of an area as a qualified  
162 resort area. Such waiver shall be in written form from the owner,  
163 the governing body, or the appropriate officer of the convent or  
164 monastery having the authority to execute such a waiver, and the  
165 waiver shall be filed with and verified by the department before  
166 becoming effective.

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

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

182 (iii) The term includes:

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

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

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

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

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



209 facility may only be located in areas designated by the governing  
210 authorities of such municipality;

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

218           a. Specify the hours of operation of  
219 facilities that offer alcoholic beverages for sale;

220           b. Specify the percentage of revenue  
221 that facilities that offer alcoholic beverages for sale must  
222 derive from the preparation, cooking and serving of meals and not  
223 from the sale of beverages;

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

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

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

231           A. Owned by the Pearl River Valley  
232 Water Supply District, and/or

233           B. Located within the Reservoir  
234 Community District, zoned commercial, east of Old Fannin Road,

235 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
236 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
237 Drive and/or Lake Vista Place, and/or

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

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

245 A. Specify the hours of operation  
246 of facilities that offer alcoholic beverages for sale,

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

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

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

259 10. Any facility that:

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

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

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

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

272 11. Any facility and related property:

273 a. Located on property that consists of  
274 at least one hundred twenty-five (125) contiguous acres and  
275 consisting of an eighteen (18) hole golf course, and/or located in  
276 a facility that consists of at least eight thousand (8,000) square  
277 feet being heated and cooled,

278 b. Used for the purpose of providing  
279 meals and hosting events, and

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

283 12. Any facility and related property that:

284 a. Consist of at least eight thousand  
285 (8,000) square feet being heated and cooled,

286                                   b. For a fee is used to host events,  
287                                   c. Is used for the purpose of culinary  
288 arts courses, and/or live entertainment courses and art  
289 performances, and/or outdoor recreation and leadership courses;

290                                   13. The clubhouse and associated golf course  
291 where the golf course is adjacent to one or more residential  
292 developments and the golf course and all such developments  
293 collectively include at least two hundred (200) acres and at least  
294 one hundred fifty (150) residential units and are located a. in a  
295 county that has voted against coming out from under the dry law;  
296 and b. outside of but in close proximity to a municipality in such  
297 county which has voted under Section 67-1-14, after January 1,  
298 2013, to come out from under the dry law;

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

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

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

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

317                   C. Within one (1) mile of a state  
318 institution of higher learning;

319                   b. The board of supervisors of such  
320 county may by resolution or other order:

321                   A. Specify the hours of operation  
322 of facilities that offer alcoholic beverages for sale,

323                   B. Specify the percentage of  
324 revenue that facilities that offer alcoholic beverages for sale  
325 must derive from the preparation, cooking and serving of meals and  
326 not from the sale of beverages, and

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

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

335                   17. One hundred five (105) contiguous acres,  
336 more or less, located in Hinds County, Mississippi, and in the

337 City of Jackson, Mississippi, whereon are constructed a variety of  
338 buildings, improvements, grounds or objects for the purpose of  
339 holding events thereon to promote agricultural and industrial  
340 development in Mississippi;

341                   18. Land that is owned by a state institution  
342 of higher learning and:

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

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

351           If any portion of the land described in this item 18 has been  
352 declared a qualified resort area by the department before July 1,  
353 2020, then that qualified resort area shall be incorporated into  
354 the qualified resort area created by this item 18;

355                   19. Any facility and related property:

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

361                   b. Located in a county that has not  
362 voted to come out from under the dry law and outside of but in

363 close proximity to a municipality located in such county and which  
364 municipality has voted to come out from under the dry law;

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

369                   a. A county traversed by Interstate 55  
370 and Interstate 20, and

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

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

380                   a. Specify the hours of operation of  
381 facilities that offer alcoholic beverages for sale;

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

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

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

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

397                   a. Specify the hours of operation of  
398 facilities that offer alcoholic beverages for sale;

399                   b. Specify the percentage of revenue  
400 that facilities that offer alcoholic beverages for sale must  
401 derive from the preparation, cooking and serving of meals and not  
402 from the sale of beverages; and

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

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

408                   a. Specify the hours of operation of  
409 facilities offering alcoholic beverages for sale;

410                   b. Specify the percentage of revenue  
411 that facilities offering alcoholic beverages for sale must derive  
412 from the preparation, cooking and serving of meals and not from  
413 the sale of beverages; and



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

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

419 a. Specify the hours of operation of  
420 facilities that offer alcoholic beverages for sale;

421 b. Specify the percentage of revenue  
422 that facilities that offer alcoholic beverages for sale must  
423 derive from the preparation, cooking and serving of meals and not  
424 from the sale of beverages; and

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

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

430 a. Specify the hours of operation of  
431 facilities that offer alcoholic beverages for sale;

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

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

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

441                   a. Specify the hours of operation of  
442 facilities that offer alcoholic beverages for sale;

443                   b. Specify the percentage of revenue  
444 that facilities that offer alcoholic beverages for sale must  
445 derive from the preparation, cooking and serving of meals and not  
446 from the sale of beverages; and

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

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

452                   a. Specify the hours of operation of  
453 facilities that offer alcoholic beverages for sale;

454                   b. Specify the percentage of revenue  
455 that facilities that offer alcoholic beverages for sale must  
456 derive from the preparation, cooking and serving of meals and not  
457 from the sale of beverages; and

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

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

- 463                   a. Specify the hours of operation of  
464 facilities that offer alcoholic beverages for sale;
- 465                   b. Specify the percentage of revenue  
466 that facilities that offer alcoholic beverages for sale must  
467 derive from the preparation, cooking and serving of meals and not  
468 from the sale of beverages; and
- 469                   c. Designate the areas in which  
470 facilities that offer alcoholic beverages for sale may be located;

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

- 474                   a. Specify the hours of operation of  
475 facilities that offer alcoholic beverages for sale;
- 476                   b. Specify the percentage of revenue  
477 that facilities that offer alcoholic beverages for sale must  
478 derive from the preparation, cooking and serving of meals and not  
479 from the sale of beverages; and
- 480                   c. Designate the areas in which  
481 facilities that offer alcoholic beverages for sale may be located;

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

488                   a. Specify the hours of operation of  
489 facilities that offer alcoholic beverages for sale;  
490                   b. Specify the percentage of revenue  
491 that facilities that offer alcoholic beverages for sale must  
492 derive from the preparation, cooking and serving of meals and not  
493 from the sale of beverages; and

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

496                   32. Any facility and related property that:

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

505                   b. Is situated on a tract of land  
506 consisting of approximately one and one-tenth (1.10) acres, and  
507 the adjacent property to the west consisting of approximately 0.5  
508 acres, located in a municipality which is the seat of county  
509 government, situated south of Interstate 10, traversed by U.S.  
510 Highway 90, partially bordered on one (1) side by the Pascagoula  
511 River and having its most southern boundary bordered by the Gulf  
512 of Mexico, with a population greater than twenty-two thousand

513 (22,000) according to the 2010 federal decennial census; however,  
514 the governing authorities of such a municipality may by ordinance:

515 A. Specify the hours of operation  
516 of facilities that offer alcoholic beverages for sale;

517 B. Specify the percentage of  
518 revenue that facilities that offer alcoholic beverages for sale  
519 must derive from the preparation, cooking and serving of meals and  
520 not from the sale of beverages; and

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

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

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

534 ALSO,

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

538 ALSO,

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

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

545 a. Specify the hours of operation of  
546 facilities that offer alcoholic beverages for sale;

547 b. Specify the percentage of revenue  
548 that facilities that offer alcoholic beverages for sale must  
549 derive from the preparation, cooking and serving of meals and not  
550 from the sale of beverages; and

551 c. Designate the areas in which  
552 facilities that offer alcoholic beverages for sale may be located;  
553 and

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

559 a. Specify the hours of operation of  
560 facilities that offer alcoholic beverages for sale;

561 b. Specify the percentage of revenue  
562 that facilities that offer alcoholic beverages for sale must  
563 derive from the preparation, cooking and serving of meals and not  
564 from the sale of beverages; and

565 c. Designate the areas in which  
566 facilities that offer alcoholic beverages for sale may be  
567 located.

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

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

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

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

591 located not less than eight (8) and not more than nineteen (19)  
592 adequately furnished and completely separate sleeping rooms with  
593 adequate facilities, that persons usually apply for and receive as  
594 overnight accommodations; however, such restriction on the minimum  
595 number of sleeping rooms shall not apply to establishments on the  
596 National Register of Historic Places. No place shall qualify as a  
597 bed and breakfast inn under this chapter unless on the date of the  
598 initial application for a license under this chapter more than  
599 fifty percent (50%) of the sleeping rooms are located in a  
600 structure formerly used as a residence.

601 (s) "Board" shall refer to the Board of Tax Appeals of  
602 the State of Mississippi.

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

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

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



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

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

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

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

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

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

657           (b) Thirty (30) days' notice shall be given to the  
658 qualified electors of the municipality, in the manner prescribed  
659 by law, on the question of allowing qualified resort areas to be  
660 established. The notice shall contain a statement of the question  
661 to be voted on at the election. The ballots used in the election  
662 shall have the following words printed thereon: "FOR THE  
663 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
664 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
665 ballot, the voter shall make a cross (X) opposite the words of his  
666 choice.

667           (c) Qualified resort areas may be established if a  
668 majority of the qualified electors voting in the election vote for

669 such establishment. A qualified resort area may not be  
670 established if a majority of the qualified electors voting in the  
671 election vote against such establishment.

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

684 (b) Thirty (30) days' notice shall be given to the  
685 qualified electors of the municipality, in the manner prescribed  
686 by law, on the question of allowing qualified resort areas to be  
687 established. The notice shall contain a statement of the question  
688 to be voted on at the election. The ballots used in the election  
689 shall have the following words printed thereon: "FOR THE  
690 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
691 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
692 marking his ballot, the voter shall make a cross (X) opposite the  
693 words of his choice.

694 (c) The municipality may be established as a qualified  
695 resort area if a majority of the qualified electors voting in the  
696 election vote for such establishment. A qualified resort area may  
697 not be established if a majority of the qualified electors voting  
698 in the election vote against such establishment.

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

711 (b) Thirty (30) days' notice shall be given to the  
712 qualified electors of the municipality, in the manner prescribed  
713 by law, on the question of allowing qualified resort areas to be  
714 established. The notice shall contain a statement of the question  
715 to be voted on at the election. The ballots used in the election  
716 shall have the following words printed thereon: "FOR THE  
717 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
718 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In

719 marking his ballot, the voter shall make a cross (X) opposite the  
720 words of his choice.

721 (c) The area may be established as a qualified resort  
722 area if a majority of the qualified electors voting in the  
723 election vote for such establishment. A qualified resort area may  
724 not be established if a majority of the qualified electors voting  
725 in the election vote against such establishment.

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

735 (b) Thirty (30) days' notice shall be given to the  
736 qualified electors of the municipality, in the manner prescribed  
737 by law, on the question of allowing qualified resort areas to be  
738 established. The notice shall contain a statement of the question  
739 to be voted on at the election. The ballots used in the election  
740 shall have the following words printed thereon: "FOR THE  
741 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
742 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
743 marking his ballot, the voter shall make a cross (X) opposite the  
744 words of his choice.

745 (c) The municipality may be established as a qualified  
746 resort area if a majority of the qualified electors voting in the  
747 election vote for such establishment. A qualified resort area may  
748 not be established if a majority of the qualified electors voting  
749 in the election vote against such establishment.

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

759 (b) Thirty (30) days' notice shall be given to the  
760 qualified electors of the municipality, in the manner prescribed  
761 by law, on the question of allowing qualified resort areas to be  
762 established. The notice shall contain a statement of the question  
763 to be voted on at the election. The ballots used in the election  
764 shall have the following words printed thereon: "FOR THE  
765 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
766 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
767 marking his ballot, the voter shall make a cross (X) opposite the  
768 words of his choice.

769 (c) The municipality may be established as a qualified  
770 resort area if a majority of the qualified electors voting in the

771 election vote for such establishment. A qualified resort area may  
772 not be established if a majority of the qualified electors voting  
773 in the election vote against such establishment.

774 **SECTION 3.** Section 67-3-9, Mississippi Code of 1972, is  
775 amended as follows:

776 67-3-9. Any \* \* \* municipality in this state, \* \* \* at an  
777 election held for the purpose, under the election laws applicable  
778 to such \* \* \* municipality, may either prohibit or permit, except  
779 as otherwise provided under Section 67-9-1, the sale and the  
780 receipt, storage and transportation for the purpose of sale of  
781 beer, light spirit product and light wine. An election to  
782 determine whether such sale shall be permitted in \* \* \*  
783 municipalities wherein its sale is prohibited by law shall be  
784 ordered by the \* \* \* municipal council or mayor and board of  
785 aldermen or other governing body of such \* \* \* municipality for  
786 such \* \* \* municipality only, upon the presentation of a petition  
787 for such \* \* \* municipality to such governing board containing the  
788 names of twenty percent (20%) or fifteen hundred (1,500),  
789 whichever number is the lesser, of the duly qualified voters of  
790 such \* \* \* municipality asking for such election. In like manner,  
791 an election to determine whether such sale shall be prohibited  
792 in \* \* \* municipalities wherein its sale is permitted by law shall  
793 be ordered by the \* \* \* municipal council or mayor and board of  
794 aldermen or other governing board of such \* \* \* municipality for  
795 such \* \* \* municipality only, upon the presentation of a petition  
796 to such governing board containing the names of twenty percent

797 (20%) of the duly qualified voters of such \* \* \* municipality  
798 asking for such election. No election on either question shall be  
799 held by any one (1) city more often than once in five (5) years.

800 Thirty (30) days' notice shall be given to the qualified  
801 electors of such \* \* \* municipality in the manner prescribed by  
802 law upon the question of either permitting or prohibiting such  
803 sale, and the notice shall contain a statement of the question to  
804 be voted on at the election. The tickets to be used in the  
805 election shall have the following words printed thereon: "For the  
806 legal sale of light wine of an alcoholic content of not more than  
807 five percent (5%) by weight, light spirit product of an alcoholic  
808 content of not more than six percent (6%) by weight, and beer of  
809 an alcoholic content of not more than eight percent (8%) by  
810 weight"; and the words "Against the legal sale of light wine of an  
811 alcoholic content of not more than five percent (5%) by weight,  
812 light spirit product of an alcoholic content of not more than six  
813 percent (6%) by weight, and beer of an alcoholic content of not  
814 more than eight percent (8%) by weight," next below. In making up  
815 his or her ticket the voter shall make a cross (X) opposite the  
816 words of his choice.

817 If in the election a majority of the qualified electors  
818 voting in the election shall vote "For the legal sale of light  
819 wine of an alcoholic content of not more than five percent (5%) by  
820 weight, light spirit product of an alcoholic content of not more  
821 than six percent (6%) by weight, and beer of an alcoholic content  
822 of not more than eight percent (8%) by weight," then the \* \* \*



823 municipal council or mayor and board of aldermen or other  
824 governing body shall pass the necessary order permitting the legal  
825 sale of such light wine, light spirit product and beer in  
826 such \* \* \* municipality. If in the election a majority of the  
827 qualified electors voting in the election shall vote "Against the  
828 legal sale of light wine of an alcoholic content of not more than  
829 five percent (5%) by weight, light spirit product of an alcoholic  
830 content of not more than six percent (6%) by weight, and beer of  
831 an alcoholic content of not more than eight percent (8%) by  
832 weight," then the \* \* \* municipal council or mayor and board of  
833 aldermen or other governing body shall pass the necessary order  
834 prohibiting the sale of such light wine, light spirit product and  
835 beer in such \* \* \* municipality.

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

839 **SECTION 4.** This act shall take effect and be in force from  
840 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
8 ANY MUNICIPALITY MAY, AT AN ELECTION HELD FOR THAT PURPOSE, EITHER  
9 PROHIBIT OR PERMIT THE SALE AND THE RECEIPT, STORAGE AND

10 TRANSPORTATION FOR THE PURPOSE OF SALE, OF BEER AND LIGHT WINE;  
11 AND FOR RELATED PURPOSES.

HR12\SB2063PH.J

Andrew Ketchings  
Clerk of the House of Representatives